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ACTS

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THE LEGISLATURE

OF THE

STATE OF MICHIGAN,

PASSKI

AT THE REGULAR SESSION OF 1853.

WITH

AN APPENDIX,

CONTAINING

THE STATE TREASURER'S ANNUAL REPORTS, FOR THE YEARS 1851-'52.

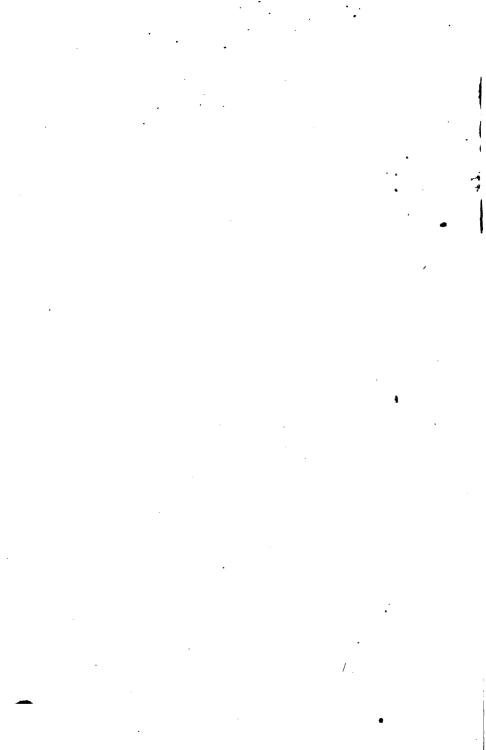


By Authority.

LANSING:

6EO. W. PECK, PRINTER TO THE STATE.

1853.



NAMES

OF THE GOVERNOR, LIEUT. GOVERNOR, SENATORS AND REPRESENTATIVES IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

ROBERT McCLELLAND, GOVERNOR.

SENATE.

ANDREW PARSONS,

LEUTENANT GOVERNOR, AND PRESIDENT OF THE SENATE.

| DISTRICT. | senators. | COUNTIES. |
|----------------|-----------------------|-------------|
| First, | Geo. R. Griswold, | Wayne, |
| Second, | Alexander H. Stowell, | Wayne, |
| Third, | Henry Fralick, | Wayne, |
| Fourth, | Seneca Newberry, | Oakland, |
| Fifth, | David A Wright, | Oakland, |
| Sixth, | Henry Hall, | Washtenaw, |
| Seventh, | Daniel Hixson, | Washtenaw, |
| Eighth, | Alexander M. Arzeno, | Mouroe, |
| Ninth, | Richard Kent, | Lenawee, |
| Tenth, | Fielder S. Snow, | Lenawee, |
| Eleventh, | Alfred Paddock, | Jackson, |
| Twelfth, | Moses A. McNaughton, | Jackson, |
| Thirteenth, | Charles Dickey, | Calhoun, |
| Fourteenth, | Nathan Pierce, | Calbean, |
| Fifteenth, | Ransom Gardner | Hilladale, |
| Sixteenth, | Joseph C. Leonard, | Branch, |
| Seventeenth, | Edward S. Moere, | St. Joseph, |
| Eighteenth, | Jenne B. Beeson, | Cass, |
| Nineteenth, | Royal T. Twombly | Berrien, |
| Twentieth | Fitz H. Stevens. | Van Buren, |
| Twenty-first | F. W. Curtenius, | Kalamazoo, |
| Twenty-second | James W. Hickok, | Eston, |
| Twenty-third | Israel V. Harris, | Ottawa, |
| Twenty-fourth | Truman H. Lyon, | Kent, |
| Twenty-fifth | Josiah Russell | Montealm |
| Twenty-sixth. | Amos Gould | Shiawassoo, |
| Twenty-seventh | William McCauley, | Livingston, |
| Twenty-eighth. | Enos Goodrich | Genesee, |
| Twenty-ninth. | Daniel Johnson, | Saginaw. |
| Thirtieth. | John S. Smith. | Macomb. |
| Thirty-first | Daniel B. Harrington | St. Clair |
| Thirty-second. | Luther W. Clarke. | Houghton |
| | | |

HOUSE OF REPRESENTATIVES.

DAN'L G. QUACKENBOSS, LENAWEE, SPEAKER.

| | | | · |
|-----------------------|-------------|-----------------------|------------|
| NAMES. | COUNTY. | Names. | COUNTY. |
| Oliver Adams, | Macounb | Horace W. Lathrop, | Lapeer, |
| William B. Arnold | Branch | George W. Lovell | Kalamazoo |
| Alvin W. Bailey, | Barry | Malcom McDougail | Washtenaw |
| Alfred G. Bates | Monroe | David McWhorter | Jackson, |
| Peter H. Benedict | Sanilac, | William R. Marsh | Oakland |
| Eli H. Bristol | Oakland, | Thomas P. Matthews | Wayne, |
| Evan I. Bonine | Cass, | Henry Miller | Oakland |
| William A. Burt | Macomb, | Charles L. Miller, | St. Joseph |
| Samuel P. Canfield | Macomb | William T. Mitchell | St. Clair |
| Caleb M. Chapel, | Jackson, | Edward G. Morton, | Monroe |
| William F. Chittenden | Wayne, | John Murphy, | Allegan, |
| Bobert E. Craven | Clinton. | Pleasant Norton | Case |
| Henry Davis | Branch. | Jeremiah O'Callaghan, | Wayne, |
| Charles C. Ellsworth | Montcalm | John R. Palmer, | Calhoun |
| Heman B. Elv | Marquette, | Nathan C. Parkhurst | Oakland, |
| Alexander Ewing | Washtenaw | Orrin Poppleton, | Oakdand, |
| Ferris S. Fitch | Ingham | Epaphroditus Ransom | Kalamazoo |
| George Fitzsimmons | Hillsdale, | John Reno | Wayne, |
| John W. Frey, | St. Joseph | John Renwick | Washtenaw, |
| Elbridge G. Gale | Genesee | Paschal Richardson | Tuscols, |
| James Gleason | Livingston | | Washtenaw, |
| John P. Gleason, | St. Clair | Amos Root | Jackson, |
| Sewell S. Goff, | Lenawee, | James Seymour, | Genesce, |
| William H. Gregory, | Wayne, | | Ontonagon |
| Nelson Green | Lenawec | | Van Buren |
| Harrison W. Griswold, | Berrien | | Kent, |
| Nicholas Gulick, | Shiawassee, | Henry C. Smith, | Kent, |
| Salmon L. Haight | Washtenaw | James J. Strang, | Emmet |
| Michael Hand | Berrien, | Jabez G. Sutherland, | Saginaw, |
| Charles W. Haze, | Livingston, | Jeremiah D. Thompson, | Lenawee, |
| Bradley P. Hudson | Calhoun, | Alexander Toll | Mackinac |
| Charles W. Ingalls | Ionia, | William R. Traver, | |
| William W. Irwin | Wayne, | William E. Warner, 1 | |
| Hiram Jennison, | Ottawa, | James Winters, | Oalhoun, |
| George Jones, | Eaton, | Robert Worden, Jr., | Hillsdale |

LIST OF ACTS

PASSED BY THE LEGISLATURE OF 1853.

| o. | Title. | Page. |
|----|---|-------|
| 1. | An act to amend section six, chapter one hundred and seventy of the revised statutes of 1946, approved January 19, 1853, | 1 |
| 2. | An act to provide for the payment of the members and officers, and incidental expenses of the Legislature, approved January 14, 1853, | 2 |
| 3. | An act relative to the organization of the county of Ontonagon, in the Upper Peninsula, approved January 17, 1853, | [3 |
| 4. | An act relative to the organization of the county of Marquette, in the Upper Peninsula, approved January 17, 1853, | 4 |
| 5. | An act to extend the time for the collection and return of taxes in the townships of "Campbell" and "Sebewa," in the county of Ionia, and for the purpose of authorizing the supervisors thereof to make out new and corrected tax rolls for said towns, for the year 1852, | , • |
| 6. | and for other purposes, approved January 19, 1853, An act making appropriations for the salaries of State officers for the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, approved Janua- | 5 |
| 7. | An act to authorize the collection of corporation taxes for the year eighteen hundred and fifty-two, in the village of Coldwater in the county of Branch, approved | 6 |
| 8. | January 21, 1853, | 8 |
| 9. | approved January 21, 1853, | 8 |
| | year 1852, approved January 24, 1853, | 9 |

| To. | Title. | Page. |
|-----|---|-------|
| 10. | An act to repeal an act entitled an act to incorporate the Adrian Insurance Company, approved April 17, 1839; | 10 |
| 11. | An act to amend the act entitled an act to provide for [holding] terms of the District Court in the Upper | 10 |
| | Peninsula, approved June 28, 1851; approved January 24, 1853, | 11 |
| | An act to provide for the payment of the expenses of the State Government, approved January 24, 1853, | 11 |
| 13. | An act to amend section one, chapter forty-eight, title nine of the revised statutes of 1846, approved Janu- | |
| 14. | An act ceding jurisdiction to the United States over di- | 12 |
| | vers tracts of lands for light houses, approved January 27, 1853, | 13 |
| 15. | An act to authorize the Commissioner of the State Land Office to lease certain State property in the city of De- | |
| 16. | troit, approved January 28, 1853, | 14 |
| | act to consolidate the laws in relation to county courts, and for other purposes, approved April 2, 1850; ap- | |
| 17 | proved January 29, 1853, An act to amend section two of chapter nine of the re- | 15 |
| | vised statutes of 1846, approved January 29, 1853, An act to organize the county of Emmet, approved Jan- | 15 |
| | uary 29, 1853, | 15 |
| | of 1846, approved January 29, 1853, | 17 |
| 20. | An act to organize the county of Cheboygan, approved January 29, 1853, An act to amend section five, chapter fifty, of the revi- | 19 |
| Z1. | sed statutes of 1846, relative to unauthorized banking, | |
| ១០ | &c., approved January 29, 1853, An act to provide for filing certain reports in the Auditor | 20 |
| | General's office, and for other purposes, approved | 21 |
| 23. | January 29, 1853, | 21 |
| | of the revised statutes of 1846, entitled "Of the powers and the duties of townships and election, and the du- | 00 |
| 24. | ties of township officers," approved January 29, 1853, An act to organize the township of Drummond, appro- | 22 |
| 25. | ved January 29, 1853, An act relative to the bonds deposited by banks in the | 23 |
| 26. | treasury of this State, approved January 29, 1853, An act to change the name of the township of North- | 23 |
| | ampton, in the county of Saginaw, to Chessening, approved Japanese 20, 1853 | 94 |

| Ĭe. | Title. |
|-------------|---|
| 2 7. | An act to amend the sixth section of chapter eleven, title |
| | two of revised statutes of 1846, approved January |
| | 29, 1853, |
| 28. | An act directing the Auditor General to credit the coun- |
| | ty of Monroe with certain delinquent taxes, approved |
| | January 29, 1853, |
| 29. | An act to authorize the District Judge of the Upper Pe- |
| | ninsula to hold in trust and convey lands included in |
| | the town site of the village of Ontonagon, in the coun- |
| | |
| 20 | ty of Ontonagon, approved January 29, 1853, |
| JU. | An act to incorporate the city of Adrian, approved Jan- |
| | uary 31, 1853, An act to provide for the disposition of prisoners appre- |
| 31. | An act to provide for the disposition of prisoners appre- |
| | hended within the county of Montcalm, approved |
| | January 31, 1853, |
| 32. | An act to extend the time for the collection of taxes in |
| | the township of Niles, in the county of Berrien, ap- |
| | proved February 1, 1853, |
| 33. | An act to organize certain townships in the county of |
| | Ontonagon, in the Upper Peninsula, approved Feb. |
| | ruary 3, 1853, |
| 34. | An act to complete the organization of the county of |
| • | Grand Traverse, approved February 3, 1853, |
| 35. | An act to attach the counties of Midland, Aronae, Glad- |
| | win, Isabella and Iosco, to the county of Saginaw, and |
| | for other purposes, approved February 3, 1853, |
| 36 | An act to amend an act entitled an act "appropriating |
| . | certain internal improvement lands for the improve- |
| | ment of the road from Mason, in the county of Ingham, |
| | ment of the road from mason, in the country of Inguism, |
| | to Dexter, in the county of Washtenaw," approved |
| -~ | April 3d, 1848; approved February 4, 1853, |
| 31. | An act to restore to the township of Rives, in the coun- |
| | ty of Jackson, all that portion of said township de- |
| | tached by act number thirty-nine of the session laws |
| | of 1849, and attached to the township of Henrietts, |
| | in said county, approved February 4, 1853, |
| 38. | An act to provide for the construction of a ship canal |
| | around the Falls of St. Mary, approved February 5, |
| | 1853, |
| 3 9. | An act for the relief of James Waters, approved Feb- |
| | ruary 5, 1853, |
| 40. | An act ceding jurisdiction to the United States, over |
| | lot number one, section thirty-four, (84,) in township |
| | number twenty-two (22) north of range eight (8) east; |
| | also, over two tracts of land on Lake St. Clair, appro- |
| | ved February 5, 1853, |
| | TOWN DOWNING OF AUDOPEN THE TELEFORM |

| 0. | Title. | Page. |
|-------------|--|------------|
| 41. | An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, min- | • |
| | eral coal, silver or other ores or minerals, and for other manufacturing purposes, approved February 5, | • |
| | 1858, | 53 |
| 4 2. | An act authorizing and requiring the Commissioner of | |
| | the State Land Office to issue new certificates for Normal school lands in certain cases, approved February | |
| | | 5 9 |
| 43. | 7, 1853, An act to provide for taking the Census and Statistics | 39 |
| | of this State, approved February 9, 1853, | 60 |
| 44. | An act to amend sections three, nine, eighteen, nineteen | |
| | and twenty of an act entitled "An act relative to | |
| | Plank Roads," approved March 18, 1848, and to add | |
| | thereto six new sections, to stand as sections 25, 26, | |
| | 27, 28, 29, 30, approved February 9, 1853, | 64 |
| 40. | An act to amend sections thirteen and eighteen of an act entitled "An act to incorporate the village of | |
| | Hillsdale," approved February 9, 1853, | 69 |
| 46. | An act relative to surplus funds in the State Treasury, | US |
| | approved February 9, 1853, | 71 |
| 47. | An act to extend the time for the collection of taxes in | |
| | the township of Bridgeport, in the county of Saginaw, | • |
| | approved February 3, 1858, | . 71 |
| 48. | An act to amend an act to incorporate the Native Cop- | |
| | per Company, approved March 31, 1849; approved February 10, 1858, | 72 |
| 49. | An act to discontinue a certain road in the town of | |
| | Martin, in the county of Allegan, approved February | 73 |
| EΩ | An act to amend section thirty-two of an act entitled | 13 |
| ω. | "An act to incorporate the city of Adrian," approved | |
| | January thirty-first, 1853; approved February 10, | |
| | 1853, | 73 |
| 51. | An act to extend the time for the collection of taxes in | |
| | the township of Rollin, in the county of Lenawee, ap- | |
| | proved February 11, 1853, | 74 |
| 52 . | An act to prevent the wilful and malicious destruction of fruit, shade or ornamental trees, approved February | |
| | 11, 1853, | 75 |
| 53 | An act to provide for the publication of Probate and | |
| . | other legal notices, approved February 11, 1853, | 75 |
| 54. | An act to provide for the payment of specific taxes to | |
| | the counties in the Upper Peninsula, approved February 12, 1853, | 76 |
| 55. | An act to provide for the collection of taxes in the town- | |
| | ship of Marquette, in the county of Marquette, for | |
| | the year eighteen hundred fifty two, and to extend | |
| | the time for the collection thereof, approved February | |
| | 12, 1853, | 76 |

LIST OF ACTS.

| met the village of Battle Creek," approved April second, eighteen hundred and fifty; and also to amend an act entitled an act to amend an act entitled "An act to incorporate the village of Battle Creek," approved April fourth, eighteen hundred and fifty-one; approved February 12, 1853, 57. An act to amend sections two, twenty-seven, thirty-nine, and forty, of an act entitled "an act to provide for the formation of companies to construct plank roads," approved April 8, 1851; approved February 12, 1853, 58. An act to complete the judicial organization of the State, approved February 12, 1853. 59. An act to amend section six of an act to continue, for a limited time, the charter of the Farmers' and Mechanics' Bank of Michigan, approved February 12, 1853, 60. An act relative to the University Interest Fund, approved February 12, 1853, 61. An act supplementary to an act to provide for the construction of a ship canal around the falls of St. Mary's, approved February 5th, 1853; approved February 12, 1853, 62. An act to amend act number ninety (90) of the session laws of eighteen hundred and fifty-one (1851) entitled "an act to incorporate the village of Mount Clemens," approved April fourth (4th,) eighteen hundred and fifty-one (1851;) approved February 12, 1853, 63. An act supplementary to an act entitled "an act relative to surplus funds in [the] State Treasury," being House bill of present session No. 73, approved February 12, 1853, 64. An act to incorporate the village of Hudson, approved | 77 80 84 84 85 86 86 89 |
|--|--|
| an act entitled an act to amend an act entitled "An act to incorporate the village of Battle Creek," approved April fourth, eighteen hundred and fifty-one; approved February 12, 1853, | 80 84 84 85 • 86 86 88 |
| proved April fourth, eighteen hundred and fifty-one; approved February 12, 1853, 57. An act to amend sections two, twenty-seven, thirty-nine, and forty, of an act entitled "an act to provide for the formation of companies to construct plank roads," approved April 8, 1851; approved February 12, 1853, 58. An act to complete the judicial organization of the State, approved February 12, 1853. 59. An act to amend section six of an act to continue, for a limited time, the charter of the Farmers' and Mechanics' Bank of Michigan, approved February 12, 1853, 60. An act relative to the University Interest Fund, approved February 12, 1853, 61. An act supplementary to an act to provide for the construction of a ship canal around the falls of St. Mary's, approved February 5th, 1853; approved February 12, 1853, 62. An act to amend act number ninety (90) of the session laws of eighteen hundred and fifty-one (1851) entitled "an act to incorporate the village of Mount Clemens," approved April fourth (4th,) eighteen hundred and fifty-one (1851;) approved February 12, 1853, 63. An act supplementary to an act entitled "an act relative to surplus funds in [the] State Treasury," being House bill of present session No. 73, approved February 12, 1853, 64. An act to incorporate the village of Hudson, approved | 80 84 84 85 • 86 86 88 |
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| proved February 12, 1853, 61. An act supplementary to an act to provide for the construction of a ship canal around the falls of St. Mary's, approved February 5th, 1853; approved February 12, 1853, 62. An act to amend act number ninety (90) of the session laws of eighteen hundred and fifty-one (1851) entitled "an act to incorporate the village of Mount Clemens," approved April fourth (4th,) eighteen hundred and fifty-one (1851;) approved February 12, 1853, 63. An act supplementary to an act entitled "an act relative to surplus funds in [the] State Treasury," being House bill of present session No. 73, approved February 12, 1853, 64. An act to incorporate the village of Hudson, approved | • 86 86 88 89 |
| 61. An act supplementary to an act to provide for the construction of a ship canal around the falls of St. Mary's, approved February 5th, 1853; approved February 12, 1853, 62. An act to amend act number ninety (90) of the session laws of eighteen hundred and fifty-one (1851) entitled "an act to incorporate the village of Mount Clemens," approved April fourth (4th,) eighteen hundred and fifty-one (1851;) approved February 12, 1853, 63. An act supplementary to an act entitled "an act relative to surplus funds in [the] State Treasury," being House bill of present session No. 73, approved February 12, 1853, 64. An act to incorporate the village of Hudson, approved | • 86 86 88 89 |
| struction of a ship canal around the falls of St. Mary's, approved February 5th, 1853; approved February 12, 1853, 62. An act to amend act number ninety (90) of the session laws of eighteen hundred and fifty-one (1851) entitled "an act to incorporate the village of Mount Clemens," approved April fourth (4th,) eighteen hundred and fif- ty-one (1851;) approved February 12, 1853, 63. An act supplementary to an act entitled "an act relative to surplus funds in [the] State Treasury," being House bill of present session No. 73, approved February 12, 1853, | 86° 88 89 |
| 12, 1853, 62. An act to amend act number ninety (90) of the session laws of eighteen hundred and fifty-one (1851) entitled "an act to incorporate the village of Mount Clemens," approved April fourth (4th,) eighteen hundred and fifty-one (1851;) approved February 12, 1853, 63. An act supplementary to an act entitled "an act relative to surplus funds in [the] State Treasury," being House bill of present session No. 73, approved February 12, 1853, 64. An act to incorporate the village of Hudson, approved | 86° 88 89 |
| laws of eighteen hundred and fifty-one (1851) entitled "an act to incorporate the village of Mount Clemens," approved April fourth (4th,) eighteen hundred and fif- ty-one (1851;) approved February 12, 1853, | 86° 88 89 |
| laws of eighteen hundred and fifty-one (1851) entitled "an act to incorporate the village of Mount Clemens," approved April fourth (4th,) eighteen hundred and fif- ty-one (1851;) approved February 12, 1853, | 88 89 |
| approved April fourth (4th,) eighteen hundred and fif- ty-one (1851;) approved February 12, 1853, | 88 89 |
| ty-one (1851;) approved February 12, 1853, | 88 89 |
| 63. An act supplementary to an act entitled "an act relative to surplus funds in [the] State Treasury," being House bill of present session No. 73, approved February 12, 1853, 64. An act to incorporate the village of Hudson, approved | 88 89 |
| to surplus funds in [the] State Treasury," being House bill of present session No. 73, approved February 12, 1853, | 89 |
| 1853, | 89 |
| 64. An act to incorporate the village of Hudson, approved | 89 |
| Fohrmart 19 1858 | |
| | 99. |
| 65. An act to provide for the re-survey of the public high- | 99. |
| ways in the township of White Pigeon, in the county | 99 |
| of St. Joseph, approved February 12, 1853, 66. An act prohibiting the manufacture of intoxicating bev- | |
| erages and the traffic therein, approved February 12, | |
| 1853, 1 | 100 |
| 67. An act to provide for the collection of taxes in the town- | |
| ship of Lynn, in the county of St. Clair, for the year 1852, and to extend the time for the collection thereof, | |
| approved February 12, 1853, | 111 |
| 68. An act relating to telegraph operators and others, ap- | |
| | 112 |
| | |

| lo. | Title. | Page. |
|-----|--|-------|
| 70. | An act to provide for the draining of a certain lake in the township of Springfield, Oakland county, approved | |
| | February 12, 1853, | 113 |
| 71. | An act authorizing the Auditor General to settle with | |
| | and allow to the county of Kent, certain moneys paid | |
| | by said county on account of wolf bounties, approved | |
| | February 12, 1853, | 114 |
| 72. | An act to amend section sixty-one of chapter fourteen | |
| | of the revised statutes, approved February 12, 1853, | 114 |
| 73. | An act to amend section two of an act entitled "an act | |
| | to incorporate the Michigan Mining Company," appro- | |
| | ved February 12, 1853, | 115 |
| 74 | An act to extend the time for the collection of takes for | 110 |
| 17. | the year 1853, in the city of Detroit, in the county of | |
| | Warms approved Foltoward 10 1052 | 115 |
| 75 | Wayne, approved February 12, 1853, | 110 |
| 10. | An act to provide for the transfer of the records, files, | |
| | books, papers and judgments in the county courts to | 112 |
| H-A | the circuit courts, approved February 12, 1853, | 115 |
| 70. | An act to authorize the State Treasurer to receive from | |
| | the General Government certain moneys arising from | |
| | the sale of swamp lands, and to authorize the Com- | |
| | missioner of the State Land Office to take an as- | 9 |
| | signment of all warrants received for any of the swamp | |
| | lands sold in this State since the act of Congress, ap- | |
| | proved September 28th, 1850; approved February | |
| | 14, 1853, | 116 |
| 77. | An act to amend section nine of an act entitled "an act | |
| | to provide for funding the outstanding internal im- | |
| | provement warrants of this State, and the interest | |
| | due thereon; and also for liquidating and funding the | |
| | amount of principal and interest actually due upon the | |
| | part paid five million loan bonds," approved April 1, | |
| | eighteen hundred and forty-eight; approved Februa- | |
| | rv 14, 1853 | 117 |
| 78. | An act making appropriations for the State Normal | |
| | School, approved February 14, 1858, | 118 |
| 79. | An act to provide for an additional circuit court com- | |
| | missioner for the county of Wayne, approved Februa- | |
| | rv 14. 1853. | 119 |
| 80. | An act in aid of the Michigan Asylums, approved Feb- | |
| | ruary 14, 1803, | 119 |
| 81. | An act appropriating certain highway taxes for the im- | |
| | provement of roads in the counties of Eaton and | |
| | İonia, approved February 14, 1853, | 121 |

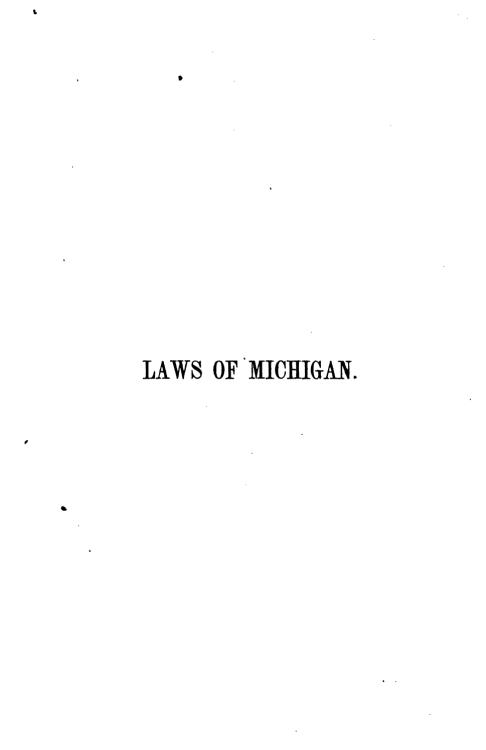
| le. | Title. | Page |
|-------------|--|------|
| 82. | An act to amend an act entitled "an act to amend section one hundred and seven, of chapter fifty-eight of the | • |
| | revised statutes of eighteen hundred and forty-six, and | |
| | the acts amendatory thereto, relative to primary | |
| | schools," approved April 7, 1851; approved February | 400 |
| | 14, 1858, | 123 |
| 83. | An act to provide for the erection of a prison for the pur- | |
| | poses of solitary confinement, and a house of correc- | |
| | tion for juvenile offenders, and making an appropria- | 104 |
| 0.4 | tion therefor, approved February 14, 1853, | 124 |
| 04. | An act to provide for the discharge of certain duties re- | |
| | quired to be performed by circuit court commissioners, approved February 14, 1853, | 125 |
| 0 5 | An act to authorize the county of Saginaw to loan its | 120 |
| 00. | bonds to aid in the construction of a plank road, ap- | |
| | proved February 14, 1853, | 125 |
| 86. | An act to provide for assessing property at its true value, | 120 |
| ••• | and for levying and collecting taxes thereon, approved | |
| | February 14, 1853, | 128 |
| 87. | An act for the construction of public offices at the seat | |
| | of government at Lansing, approved February 14, | |
| * | 1853, | 168 |
| 88. | An act to amend an act entitled "an act to amend an | |
| | act entitled an act to incorporate the village of Jack- | |
| | son," approved April third, eighteen hundred and for- | |
| | ty-eight; approved February 14, 1853, | 169 |
| 89. | An act to amend section seven, of chapter seventy-two, | |
| | of the revised statutes, approved February 14, 1853, | 179 |
| 30 . | An act to amend the laws relative to supplying the city | |
| | of Detroit with pure and wholesome water, and to | |
| | provide for the completion and management of the | 100 |
| 01 | Detroit Water Works, approved February 14, 1853, An act supplementary to an act to define the limits, ju- | 180 |
| 31. | risdiction, and powers of circuit courts, approved | |
| | April 8, 1851, and to repeal an act supplementary to | |
| | said act, approved June 27, 1851; approved February | |
| | 14, 1853, | 187 |
| 92. | An act to amend sections five and six of an act to or- | 10. |
| | ganize the county of Cheboygan, approved February | |
| | 14, 1853, | 189 |
| 93. | An act making an appropriation to aid the Michigan | , |
| • | State Agricultural Society, and to provide for pub- | |
| | lishing the annual reports of said society, approved | |
| | February 14, 1853, | .189 |
| 94. | An act to amend section two of chapter 103 of revised | |
| | statutes of 1846, relative to trial of issues of fact, ap- | |
| | proved February 14, 1853. | 190 |

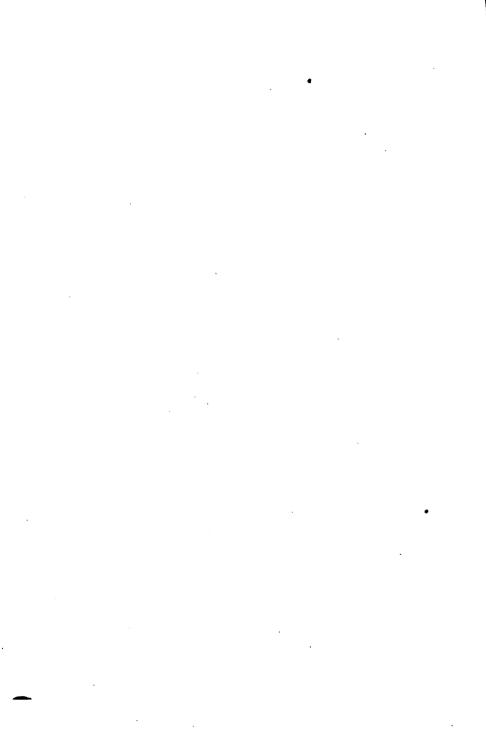
| No. | Title. | Page. |
|-----|---|-------|
| 95. | An act to authorize the Governor to convey certain land | ٠. |
| | to the "First Universalist Church," and the "First | |
| | Wesleyan Methodist Church and Society," in Lansing, | • |
| | approved February 14, 1858, | 191 |
| 96. | An act to amend sections seventeen and eighteen, of | |
| | chapter one hundred and three of the revised statutes | |
| | of 1846, approved February 14, 1858, | 192 |
| 97. | An act to provide for a meeting of the State Board of | |
| | Equalization in 1853, approved February 14, 1853, | 192 |

JOINT RESOLUTIONS.

| Ĭo. | Title. | Page. |
|--------------|---|-------|
| 1. | Joint resolution relative to a vote of thanks to Captain | |
| 9 | A. Canfield, approved January 14, 1853, | 195 |
| | men about the capitol, approved January 14, 1853, | 195 |
| . 3 , | Joint resolution relative to the printing of a Manual, approved January 14, 1853, | 196 |
| 4. | Joint resolution relative to an act entitled "An act to provide for the organization and powers of the Supreme Court," approved April 4, 1851; approved | 100 |
| | January 19, 1853, Joint resolution relative to the erection of certain Light | 196 |
| | Houses on Lakes Superior and Michigan, approved | |
| 6 | January 19, 1853, Joint resolution relative to certain school lands, ap- | 196 |
| | proved January 20, 1853, | 197 |
| • | public lands to the Michigan University fund, appro- | 100 |
| 8. | ved January 21, 1858, | 198 |
| • | constructing a railroad to the Upper Peninsula of | |
| 9. | Michigan, approved January 24, 1853, Joint resolution relative to the claim of the State against | 198 |
| | A. St. Amand, late treasurer of Genesee county, approved January 24, 1853, | 199 |
| 10. | Joint resolution requiring the Trustees of the Michigan Central College at Spring Arbor, to report as required | 100 |
| | by the fifth section of the act of incorporation, ap- | |
| 11 | proved January 27, 1853, Joint resolution relative to the Tecumseh and Ypsilanti | 200 |
| 41. | Railroad Company, approved January 29, 1853, | 200 |
| 12. | Joint resolutions relative to the public domain, approved | |
| | January 29, 1858, | 201 |

| No. | Title. | Page. |
|-----|--|-------|
| 13. | Concurrent resolution relative to Stannard's Rock in Lake Superior, approved January 29, 1853, | 201 |
| 14. | Joint resolution relative to the distribution of the Session Laws, Journals and Documents of the Legislature for the year eighteen hundred and fifty-three, approved | •00 |
| 1 2 | January 31, 1853, | 202 |
| | February 3, 1853. | 202 |
| 16. | Joint resolution relative to issuing a duplicate warrant | |
| | to Isaac N. Swain, approved February 4, 1853, | 202 |
| 17. | Joint resolution relative to the Chippewa Indians of | |
| | Lake Superior, approved, February 9, 1853, | 203 |
| 18. | Joint resolution relative to conveyance of lot in Lansing | |
| | to the trustees of the Baptist Church, approved Febru- | |
| | ary 10, 1853, | 206 |
| 19. | Preamble and joint resolutions instructing our Senators and requesting our representatives in Congress to act relative to a declaration of the views of the United | |
| | States, respecting colonization on the American Con- | |
| | tinent by European powers, approved February 10, | 007 |
| •^ | Toint resolution for the relief of Almon Whinele on | 207 |
| ZU. | Joint resolution for the relief of Almon Whipple, approved February 12, 1853, | 208 |
| 01 | Joint resolution authorising the Board of State Auditors | 200 |
| 21. | to allow certain claims against the State, approved | |
| | February 12, 1853, | 209 |
| 22 | Joint resolution relative to an exchange of lots with the | 200 |
| ~2. | First Presbyterian Society of Lansing, approved Feb- | |
| | ruary 12, 1853. | 209 |
| 23. | ruary 12, 1853, | 200 |
| | for certain primary school lands, approved February | |
| | 12, 1858, | 209 |
| 24. | Preamble and joint resolution relative to certain State | |
| | Building lands, approved February 14, 1858, | 210 |
| 25. | Joint resolution relative to printing acts of the Legisla- | |
| | ture of 1853, in relation to St. Mary's Canal, approved | |
| | February 14, 1853, | 211 |





No. 1.]

AN ACT to amend section six, chapter one hundred and seventy, of the Revised Statutes of 1846.

SECTION 1. The People of the State of Michigan enact, That section is six, of chapter one hundred and seventy, of the Revised Statutes of 1846, be amended by striking out the words, "in all cases," and inserting, in lieu thereof, the words: "unless otherwise directed by the Governor;" so that the same shall read as follows:

"Sec. 6. The Governor of this State may, in any case authorized by the constitution and laws of the United States, appoint agents to demand of the executive authority of any other State or territory, or from the executive authority of any foreign government, any fugitive from justice, or any person charged with treason: and the accounts of the agents appointed for that purpose, shall, unless otherwise directed by the Governor, be audited by the Auditor General, and paid out of the State Treasury."

Sec. 2. This act shall take effect immediately.

Approved, January 10, 1853.

[No. 2.]

AN ACT to provide for the payment of the members and officers, and incidental expenses of the Legislature.

SECTION 1. The People of the State of Michigan enact, That there Appropriate to the appropriated out of any money in the Treasury, to the credit of members the general fund, a sum not exceeding twenty-five thousand dollars, and officer for the payment of the members and officers of the Legislature.

LAWS OF WICHIE

[No. 1.]

AN ACT to amend section six, chapter one to of the Revised Statutes of

gon,

SECTION 1. The People of the State of Missix, of chapter one hundred and seventy, of 1846, be amended by striking out the inserting, in lieu thereof, the words the Governor;" so that the same shall

"Sec. 6. The Governor of this Set the constitution and laws of the demand of the executive authority from the executive authority of from justice, or any person charge of the agents appointed for directed by the Governor, the paid out of the

Sec. 2. Approv

That the gon, in the son, in the september, organization of and the same are and and effectual to by shall be held and and after the first day of diffty-three, and the inhabenjoy all the rights, powers the inhabitants of other or-

me of the passage of this act have any duties of office as such officers, it shall at any time previous to the fifteenth day duties hundred and fifty-three.

county of Ontonagon, duly acknowledged and who had county of Ontonagon, duly acknowledged and who had county of Houghton, had ance of existing laws in the county of Houghton, first day of January, shall be deemed and held valid and purposes in like manner and to the same effect as if of Ontonagon had until that time continued attached Houghton for judicial purposes.

May qualify my time previous to hiteenth of March, 1963.

lecords of lecds, &c., rhen to be leld valid.



No. 1.

AN ACT to amend section six, chapter one hundred and seventy, of the Revised Statutes of 1846.

SECTION 1. The People of the State of Michigan enact, That section six, of chapter one hundred and seventy, of the Revised Statutes of 1846, be amended by striking out the words, "in all cases," and inserting, in lieu thereof, the words: "unless otherwise directed by the Governor;" so that the same shall read as follows:

"Sec. 6. The Governor of this State may, in any case authorized by the constitution and laws of the United States, appoint agents to demand of the executive authority of any other State or territory, or from the executive authority of any foreign government, any fugitive from justice, or any person charged with treason: and the accounts of the agents appointed for that purpose, shall, unless otherwise directed by the Governor, be audited by the Auditor General, and paid out of the State Treasury."

Sec. 2. This act shall take effect immediately.

Approved, January 10, 1853.

[No. 2.]

AN ACT to provide for the payment of the members and officers, and incidental expenses of the Legislature.

SECTION 1. The People of the State of Michigan enact, That there App be appropriated out of any money in the Treasury, to the credit of the general fund, a sum not exceeding twenty-five thousand dollars, for the payment of the members and officers of the Legislature.

Compensetion of memhorn and of Same.

Sec. 2. The compensation of the President and members of the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day for actual attendance, and when absent on account of sickness, for the first forty days of the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the House and the Senate from the upper peninsula, two dollars per day additional, for the first forty days of the session. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars for newspapers and stationery. The compensation of the Secretary, Engrossing and Enrolling Clerk. and Assistant, if one should be employed, and Sergeant-at-Arms of the Senate, (including three dollars to Diodate Hubbard, for one day's service as Sergeant-at-Arms of the Senate,) and of the Clerk, Engrossing and Enrolling Clerk, and Assistant, if one should be employed, and Sergeant-at-Arms of the House of Representatives, and of the Reporters of either House, and of the Clerks employed with the consent of either Senate or House of Representatives, by the Senate or House of Representatives, or by any of the standing or special committees of either of said Houses, shall be three dollars per day for actual attendance during the session. The compensation of the fireman of the Senate and of the House of Representatives. shall be two dollars per day, for actual attendance during the session. The compensation of the Messengers of the Senate and House of Representatives, shall be one dollar and fifty cents per day for actual attendance during the session.

Sow certi-

Sec. 3. Such sums as may be due to the Secretary of the Senate, and the Clerk of the House of Representatives, shall be certified by the presiding officer of the respective houses, and countersigned by the Auditor General; such sums as may be due the President of [the] Senate, and the Speaker of the House of Representatives, shall be certified by the Clerk or Secretary of the respective houses, and countersigned by the Auditor General; and such sums as may be due the members and other officers of either house shall be certified by the Secretary or Clerk and countersigned by the presiding officer of the respective houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in the preceding section, is hereby authorized and directed to pay the same. And

there is also hereby appropriated from the general fund such sums Cartain as may be necessary to pay warrants that may be drawn upon claims paid.

also well by the Board of State Auditors.

Sec. 4. We clerk shall be employed by any standing or select committee, except by the consent of the Senate, or the House of Representatives.

Approved, January 14, 1853.

No. 3.

AN ACT relative to the organization of the County of Ontonagon, in the Upper Peninsula.

The People of the State of Michigan enact, Section 1. That the election of county officers in and for the county of Ontonagon, in the office galis upper Peninsula, held and had on the last Tuesday of September, in the year eighteen hundred and fifty-two, and the organization of said county under and by virtue of said election, be and the same are hereby legalized; and the same shall be held valid and effectual to all intents and purposes; and the said county shall be held and deemed to have been duly organized on and after the first day of January, in the year eighteen hundred and fifty-three, and the inhabitants of said county shall possess and enjoy all the rights, powers and privileges possessed and enjoyed by the inhabitants of other organized counties of this State.

Sec. 2. That if any of the county officers elected in said county at said election shall not at the time of the passage of this act have any to qualified and entered upon the duties of office as such officers, it shall have be lawful for them to do so at any time previous to the fifteenth day of March, in the year eighteen hundred and fifty-three.

May qualify any time previous to l fitteenth of March, 1863.

Sec. 3. That the records of deeds, mortgages and conveyances of Recordands, situate in said county of Ontonagon, duly acknowledged and when recorded in pursuance of existing laws in the county of Houghton, prior to the said first day of January, shall be deemed and held valid to all intents and purposes in like manner and to the same effect as if the said county of Ontonagon had until that time continued attached to the county of Houghton for judicial purposes.

Records of leeds, &c., when to be Part of Houghton Co. annexe to Ontons-

Sec. 4. That all that part of Houghton county lying west of the dline between ranges thirty-five and thirty-six, heretofore constituting a part of said county, be and the same is hereby annexed to and shall constitute a part of the county of Ontonagon.

This act shall take effect immediately. Approved January 17, 1853.

[No. 4.]

AN ACT relative to the organization of the County of Marquette, in the Upper Peninsula.

Micetion of Co. Officers Invalized.

The People of the State of Michigan enact, Section 1. That the election of county officers in and for the county of Marquette, held in November, eighteen hundred and fifty-one, and the organization of said county under and by virtue of said election, be and the same are hereby legalized, and the same shall be deemed and held valid to all intents and purposes, as fully and to the same effect, as if the said election had been had and held on the second Monday in June, in said year mentioned in an act entitled "An act to perfect the organization of the county of Marquette, in the Upper Peninsula, and to attach the county of Schoolcraft thereto for judicial purposes," approved April seventh, eighteen hundred and fifty-one; and the said county shall be deemed and held to have been fully organized from and after the first day of December, in said year, and the inhabitants thereof to possess and enjoy all and singular the rights and privileges possessed and enjoyed by other organized counties of the State.

Sec. 2. The election of county officers had and held in said county on the last Tuesday of September, in the year eighteen hundred and fifty-two, shall be deemed and held valid and effectual to all intents and purposes.

Records of deeds, &c.,

This.

Sec. 3. The records of deeds, mortgages, and conveyances of land situated in said counties of Marquette and Schoolcraft made in the office of the register of deeds for said county of Marquette, the said thirty-first day of December, in the year eighteen hundred and fifty-one, and which have been duly acknowledged and there recorded, in pursuance of existing laws, shall be deemed and held valid and ef-

fectual to all intents and purposes, in like manner as the records of conveyances duly made of lands in other organized counties.

Sec. 4. That all that part of the county of Marquette, embraced Part of the in range twenty-six, and heretofore set off as belonging to the town- and the terred to ship of Marquette, in the organization thereof, be and the same is township transferred to the township of Carp River, in said county.

Sec. '5. This act shall take effect immediately.

Approved January 17, 1853.

[No. 5.]

AN ACT to extend the time for the collection and return of taxes in the townships of Campbell and Sebewa, in the county of Ionia, and for the purpose of authorizing the supervisors thereof to make out new and corrected tax rolls for said towns for the year 1852, and for other purposes.

SECTION 1. The People of the State of Michigan enact, That the Time ent time for the collection and return of taxes in said towns of Campbell ded. and Sebewa, in the county of Ionia, for the year A. D. 1852, be and is hereby extended to the first day of April next.

Sec. 2. The supervisors of the said towns of Campbell and Sebe-Duty of wa, in the county of Ionia, are hereby authorized and empowered with re to make to make out and deliver to the treasurers of said towns, new and cor-new rested tax rolls for said towns for the year 1852, based upon the last roll. assessment rolls of said towns, and to include and levy in said tax rolls, all sums of moneys voted and reported by the proper officers of the several school districts of said towns, heretofore made to them, agreeable to the provisions of existing laws.

Sec. 3. The treasurers of the said towns of Campbell and Sebews, Duty of shall, upon receipt of said tax rolls, proceed to collect the taxes therein levied and taxed, agreeable to existing laws, and to pay the same ever to those entitled to receive the same, as directed in the warrants thereunic attached, and to make return to the county treasurer of all non-resident and other unpaid taxes, in the manner now provided by law, by the first day of April next.

Sec. 4. The county treasurer of the said county of Ionia, shall, on Duty of Ca. or before the first day of May next, make out and transmit to the relative to Auditor General, a certified transcript of all lands upon which the uppaid tax-

taxes are returned unpaid, agreeable to the provisions of section 60 of chapter 20, title 5, revised statutes of 1846; and all proceedings upon said return by the Auditor General, in the manner directed by said act, shall be as valid as if made at the time directed therein.

Duty of su-

Sec. 5. The supervisors of said towns shall not be entitled to extra compensation for making said corrected tax rolls, and they shall deliver the same to the treasurer, as before provided, within ten days, after the passage of this act; they shall also credit upon said roll all such sums as have been paid upon the rolls previously made for said taxes.

Sec. 6. This act shall be in force from and after its passage. Approved January 19, 1853.

[No. 6.]

AN ACT, making appropriations for the salaries of State Officers for the years eighteen hundred and fifty-three and eighteen hundred and fifty-four.

Salaries of Governor, Judges, State efficers, deputies and elerks, for 1853.

SECTION 1. The People of the State of Michigan enact, That there be and the same is hereby appropriated out of any moneys in the treasury, to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State Officers for the year eighteen hundred and fifty-three: For the salary of the Governor, one thousand dollars; and for the salaries of the Associate Judges of the Supreme Court, fifteen hundred dollars each; for the salary of the District Judge of the Upper Peninsula, one thousand dollars; for the salary of the District Attorney of the Upper Peninsula, seven hundred dollars; for the salaries of the Auditor General and State/Freasurer, one thousand dollars each; and for the salary of the Commissioner of the State Land Office, eight hundred dollars; for the salesy of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, eight hundred dollars; for the salary of the Superintendent of Public Instruction, one thousand dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quarter-Master General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer and Deputy Auditor General, seven

hundred dellers each; for the salary of the Deputy Secretary of State, seven hundred dollars; for the salary of the Deputy Commissioner of the State Land Office, seven hundred dollars; for the salary of the Book-keeper of the State Land Office, six hundred dollars; for the salary of the State Librarian, five hundred dollars; to the Private Secretary of the Governor, the sum of three dollars per day, during the session of the Legislature and for eight days thereafter, to be paid on the certificate of the Governor; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each; for the salary of the Reporter of the Supreme Court, five hundred dollars.

Sec. 2. That there be and the same is hereby appropriated, out of any moneys in the treasury to the credit of the general fund, not 1864. otherwise appropriated, the following sums for the salaries of State Officers for the year eighteen hundred and fifty-four: For the salary of the Governor, one thousand dollars; for the salaries of the Judges of the Circuit Court, fifteen hundred dollars each; for the salary of the District Judge of the Upper Peninsula, one thousand dollars; for the salary of the District Attorney of the Upper Peninsula, seven hundred dollars; for the salaries of the Auditor General and State Treasurer, one thousand dollars each; for the salary of the Commissioner of the State Land Office, eight hundred dollars; for the salary of the Superintendent of Public Instruction, one thousand dollars; for the salary of the Attorney General, eight hundred dollars; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quarter-Master General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer and Deputy Auditor General, seven hundred dollars each; for the salaries of the two regular clerks of the Auditor General, six hundred dollars; for the selary of the Deputy Commissioner of the State Land Office, seven hundred dollars; for the salary of the Book-keeper of the State Land Office. six hundred dollars; for the salary of the Deputy Secretary of State. seven hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each;

for the salary of the Reporter of the Supreme Court, five hundred dollars.

This act shall take effect immediately.

Approved January 21, 1853.

[No. 7.]

AN ACT to authorize the collection of corporation taxes for the year 1852, in the village of Coldwater, in the county of Branch.

Orlection of corporation tense, autherized.

SECTION 1. The People of the State of Michigan enact, That the tax roll of the village of Coldwater, in the county of Branch, for the year eighteen hundred and fifty-two, shall be deemed, and is hereby declared to be, as valid and legal as if the same had been made out and delivered to the marshal of said village, within the time prescribed by the rules and ordinances of said village.

Time for emission emission

- Sec. 2. The time for the collection of said tax roll is hereby extended to the first Monday in April next; and the marshal of said village is hereby authorized and empowered to collect the same, within the time aforesaid, in the manner prescribed by the ordinances of said village.
- Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 21, 1853.

[No. 8.]

AN ACT to extend the time for the collection of Taxes in the township of Pontiac, in the county of Oakland.

Time exten-

SECTION 1. The People of the State of Michigan enact, That the time for the collection of taxes in the township of Pontiac, in the county of Oakland, for the year eighteen hundred and fifty-two, is hereby extended until the first Monday of April next.

Daty of

Sec. 2. The treasurer of said township of Pontiac, is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the lifetime of his warrant, and make his return at any time on or before the first Monday of April next; and his said

warrant is hereby continued in force, for the purposes aforesaid, until the first Monday of April next.

Sec. 3. It shall be the duty of the treasurer aforesaid, before he shall be entitled to the benefits of this act, to pay over all moneys collected in the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Oakland.

See. 4. A transcript of all unpaid taxes returned to the county Transcript in pursuance of the foregoing provisions, shall be returned of tax to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the annual taxes for the year eighteen hundred and fifty-one, duly returned to the Auditor General for non-payment.

Transcript of unpaid taxes, how returned.

Sec. 5. This act shall take effect immediately.

Approved January 21, 1853.

No. 9.]

AN ACT to extend the time for the collection of taxes in the township of Heath, county of Allegan, for the year 1852.

SERTION 1. The People of the State of Michigan enact, That the supervisor of the township of Heath, in the county of Allegan, be Duty of supervisor. and he is hereby suthorized to make out a tax roll from the assessment roll of the year 1852, for said township of Heath, and deliver the same, with his warrant for the collection thereof, to the sheriff of Allegan county, within ten days after notice of the passage of this act.

- Sec. 2. Upon the receipt of the said tax roll and warrant by the said sheriff, he shall forthwith execute to the county treasurer a bond risk similar to the one required of township treasurers, and in the collections and returns of said taxes, the powers and duties and compensation of the said sheriff shall be the same as provided in section 53 of chapter 20 of title 5 of the revised statutes.
- Sec. 3. The said sheriff shall have until the first day of April next in which to collect and account for the said taxes, and to Ibid-make return to the county treasurer of all unpaid taxes; and his said collections and returns shall be in all respects as valid and effectual

as if made in the manner and within the time prescribed by law for the collection of the regular annual taxes.

Transcript of unpaid taxes, how returned. Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as seon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the annual taxes for the year 1852, duly returned to the Auditor General.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 24, 1853.

[No. 10.]

AN ACT to repeal an act entitled an act to incorporate the Adrian Insurance Company, approved, April 17, 1839.

Act repeal-

Provinc.

SECTION 1. The People of the State of Michigan enact, That an act entitled an act to incorporate the Adrian Insurance Company, approved April 17, 1839, and all acts to amend the same, be and the same hereby are repealed: Provided, That this act shall in no wise impair or affect any existing liability, contract, or obligation of said Adrian Insurance Company, or of any of its officers or stockholders, to or with any person or persons, or any body politic or corporate; nor the right of any such person or persons, body politic or corporate, to enforce such liability, contract, or obligation, by any appropriate remedy or remedies, nor the right of said company to hold and enforce the collection of any demand or obligation now held, or owing to said company in good faith; but said company shall be deemed to have a continued legal existence for the purpose of the due prosecution of such remedy or remedies, and the collection of such demands and obligations, and for that purpose only.

Approved January 24, 1853.

No. 11.

ACT to amend the act entitled "an act to provide for [holding] terms of the District Court in the Upper Peninsula," approved June 28, 1851.

SECTION 1. The People of the State of Michigan enact, That the Act No. 185 act entitled "an act to provide for holding terms of the district amended. court in the Upper Peninsula," approved June 28, 1851, be amended so as to read as follows, viz: There shall be held by the district judge in that portion of the State denominated the Upper Peninsula, ten general terms of the district court in each year, to wit: two terms in each of the counties of Mackinac, Chippewa, Marquette, Houghton and Ontonagon.

- Sec. 2. Statutes relative to the circuit courts, and proceedings therein, which are not inapplicable to said district court, shall be held and deemed to apply to the said district court, and the proceedings therein.
- Sec. 3. Whenever the district judge shall be unable to hold the When cir. said court, or shall be prevented from any cause from holding the may hear same, or when he may have been of counsel, or may be interested in mine cau any causes pending therein, the said court may be held, and such court. cause or causes, and any other cause then pending in said court, may be heard and determined by any one of the circuit judges, [with] the same power and authority as the said district judge.

Approved January 24, 1853.

[No. 12.]

AN ACT to provide for the payment of the expenses of the State Government.

SECTION 1. The People of the State of Michigan enact, That the Appropriasum of ten thousand dollars in the year eighteen hundred and fifty-tion. three, and the sum of thirty thousand dollars in the year eighteen hundred and fifty-four, be raised and collected upon the taxable property of the State, and the same is hereby appropriated for the payment of the expenses of the State Government, and the interest upon the State debt not otherwise provided for.

Sec. 2. The Auditor General shall apportion, in each year, the sums herein provided to be raised, among the several counties, in proportion to the valuation of the taxable property therein, as defecmined by the State Board of Equalization; and he shall, on or before the fifteenth day of September, in each year, make out and transmit to the clerks of the several boards of supervisors, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Duty of su-pervisors.

Sec. 3. The boards of supervisors shall, at their annual session, in each year, ascertain and determine the amount of money to be raised by tax for county purposes in their respective counties, and apportion such amount, and also the amount of State tax apportioned to their respective counties by the Auditor General, among the several townships of the county in proportion to the valuation of the taxable property therein, as equalized by the board of supervisors for said year; which determination and apportionment shall be entered at large on their records.

Approved January 24, 1853.

No. 13.

AN ACT to amend Section one, Chapter forty-eight, Title nine, of the Revised Statutes of 1846.

SECTION 1. The People of the State of Michigan enact, That section one of said chapter be amended so as to read as follows:

duty, &c.

"Sec. 1. Any person who was a fireman in any incorporated city or village in this State on the sixth day of February, one thousand from militia eight hundred and forty-three, or at any time thereafter, and who shall have served for the term of seven years from that time, or from the time of his appointment, if appointed since that time, and every person who may hereafter be appointed a fireman in any such city or village, and serve as such fireman, shall, during the time of such service, be exempted from serving as a juror in any of the courts of this State, from the payment of any tax assessed against his person for labor on highways, and from the performance of all militia duty: and any fireman who shall serve a term of seven years, shall forever

thereafter be exempt from all militia duty, except in cases of invasion es insurrection."

... Approved January 24, 1853.

No. 14.

AN ACT ceding jurisdiction to the United States over divers tracts of lands for light houses.

: Sucrement 1. The People of the State of Michigan enact, That ju-Jurisdict risdiction is hereby ceded to the United States, over a certain tract U. of land on Beaver Island, lake Michigan, being lot number three, sec-of tion twenty, in township number thirty-seven north of range number ten west, for the purpose of a light house. Also, over a certain tract of land now selected and located for a light house, on the west side of Eagle River, Lake Superior, near its mouth, in Houghton county: Provided always, and the assent aforesaid is granted upon Proviso. the express condition that this State shall retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this State against any person or persons charged with crimes committed without or within the bounds of said tracts of land, may be executed therein in the same way and manner as though this assent had not been granted.

Sec. 2. Jurisdiction is hereby ceded to the United States over such tracts of land as shall hereafter be selected by the authority of the United States for light house purposes at the following points, to wit: On the Straits of Mackinaw at old Point Mackinaw, on the south shore; on Lake Michigan at the entrance of Beaver Island harbor; at the mouth of the Manistee river; at the mouth of the Pierre Marquette river; at the mouth of south Black River, in the county of Van Buren; at or near the mouth of Pine River; at the mouth of the Manistique River, and on South Fox, Island; on Lake Superior at Round Island off Point Aux. Chene in St. Mary's River; at Point Iroquois at the head of Saint Mary's River; at the east entrance of Grand Island harbor; at the west entrance of Grand Island harbor, on Stannard's Rock; and at two suitable points for light houses on Isle Royal: Provided, such tracts of land shall in no case exceed Provise.

Told.

fifty acres to may one tract; and that the jurisdiction hereby ceded shall not take effect nor enure to the benefit of the United States, over and upon either of said tracts of land, until the proper sutherists of the United States shall have selected the same, and established the bounds thereof, and filed a map of the same with a certificate of the selection of the same and the boundaries thereof, in the office of the Secretary of State of this State; nor until an appropriation of money for the erection of a light house thereon shall have been made: And provided further, that the jurisdiction aforesaid is granted upon the condition and with the reservation, that this State shall retain a concurrent jurisdiction with the United States, in and over the personal ral tracts of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this State, against person or persons charged with crimes committed within or without the bounds of said tracts of land, may be executed therein in the same way and manner as though this act had not been passed.

Approved January 27, 1853.

[No. 15.]

AN ACT to authorize the Commissioner of the State Land Office to lease certain State property in the city of Detroit.

Commis

Section 1. The People of the State of Michigan enact, That the Commissioner of the State Land Office be and he is hereby authorized and empowered, in the name and on behalf of said people, to ain proper-lease to John Ladue, for a term not exceeding eight years, and at a rent not less than three hundred and fifty dollars per annum, all that certain piece or parcel of ground belonging to said State, now occupied by the said John Ladue, situate west of the Campus Martius in the city of Detroit, known as the "triangular lot:" Provided, The State may sell the premises so leased at any time, subject to the equitable rights of said Ladue.

Proviso.

This act shall take effect immediately.

Approved January 28, 1853.

[No. 16.]

AN ACT to repeal section seven of an act to amend an act to consolidate the Jaws in relation to county courts, and for other purposes, approved April 2, 1850.

SECTION 1. The People of the State of Michigan enact, That section seven of an act to amend an act to consolidate the laws in relation to county courts, and for other purposes, approved April 2, 1850, be and the same is hereby repealed; said section being as follows:

Sec. 7. That no county judge, or judge of probate, shall hold the office of justice of the peace.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1853.

No. 17.

AN ACT to amend section two of chapter nine of the revised statutes of eighteen hundred and forty-six.

Sec. 1. The People of the State of Michigan enact, That section Section 2 of two of chapter nine of the revised statutes of eighteen hundred and R.S. of 1 amended. forty-six, be amended so as to read as follows:

Sec. 2. The Secretary of State, on the receipt of the certified copstate to reies of the statement of votes given in the several counties, directed abstract of
by law to be sent to him by the county clerks, shall make a record votes
of the aggregate number of votes given for each person in the several counties, in a suitable book to be kept by him for that purpose, and
shall place on file and preserve such certified copies in his office.

Approved January 29, 1853.

[No. 18.]

AN ACT to organize the county of Emmet.

SECTION 1. The People of the State of Michigan enact, That the county of Emmet shall be organized, and the inhabitants thereof entitled to all the rights, privileges and immunities to which by law the inhabitants of other organized counties of this State are entitled.

County of County or -

Sec. 2. There shall be elected in the said county of Emmet on the first Tuesday of May next, all the several county officers to which by law the said county is entitled; and said election and the canvass shall in all respects be conducted and held in the manner prescribed by law for holding elections and canvasses for county and State officers: Provided, That the canvass shall be held at the village of St. there held. James in said county, on the Monday next following said election, and said county officers shall immediately be qualified and enter upon the duties of their respective offices, and their several terms of office shall expire at the same time that they would have expired had they been elected at the last general election: And provided further, That until such county officers are elected and qualified, the proper county officers of the county of Mackinac shall perform all the duties appertaining to the said county of Emmet, in the same manner as

Board of of whom to

Sec. 3. The board of canvassers of said county under this act shall consist of the presiding inspectors of election from each township therein, who shall organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of aboard of county canvassers, as in ordinary cases of elections for county and State officers.

though this act had not passed.

Sec. 4. The county of Emmet shall have concurrent jurisdiction upon lake Michigan and Green Bay with the other counties contiguous thereto.

Boundaries of the townthip of

Sec. 5. The boundaries of the township of Peaine in the county of Emmet shall be extended so as to include the rocks, bars and land under water, contiguous to the Beaver Islands, and nearer to them than to any other land in said county.

Township of Galile

Sec. 6. All that part of the township of Peaine, (as in the last preceding section described,) which lies in the towns thirty-seven north of ranges ten and eleven west, and the south half of towns thirtyeight north of ranges ten and eleven west, shall be organized into a separate township by the name of Galilee, and the first township meeting shall be held at the store occupied by Ludlow Hill.

Charlevoix

Sec. 7. All that part of the State of Michigan known as the county for of Charlevoix shall be erected into a separate township, by the name of Charlevoix, and the first township meeting therein shall be held at the house of Galen B. Cole, and the said township is hereby annexed to the said county of Emmet, and shall for all purposes be deemed and taken to be within a part of said county.

Sec. 8. All the Islands, bars, rocks and lands under water, contiguous to the said counties of Emmet and Charlevoix, and within la the State of Michigan, not heretofore by any Legislative enactment the co included within the body of any county in said State, together with so much of range four west, as was heretofore included in Cheboygan county, are hereby annexed to the said county of Emmet, and shall for all purposes be deemed and taken to be within and a part of said county.

Sec. 9. The county seat of said county shall be fixed by the board of supervisors of said county.

Sec. 10. The register of deeds of the county of Emmet shall, on Duty the request and at the expense of the persons interested, copy from gis the records in the office of the register of deeds of Mackinac, all in records of deeds and instruments in writing, conveying, or in any county. wise limiting or affecting the title to any real estate in the county of Emmet, as hereby organized, and the copies so made shall be deemed and taken to be original records, for all purposes whatsoever.

Sec. 11. This act shall take effect immediately.

Approved January 29, 1853.

No. 19. 1

AN ACT to amend chapter fifteen of the revised statutes of 1846.

SECTION 1. The People of the State of Michigan enact, That section seven of chapter fifteen of the revised statutes of 1846, be amended by striking out the words "county judge," in the seventh line of ded said section, and inserting instead thereof the words "circuit court commissioner;" so that said section so amended shall read as follows:

"Sec. 7. The Governor may direct the prosecuting attorney of the Procounty in which such officer may be, unless such prosecuting attorney condu be the officer charged, to conduct an inquiry into the charges made; &c. and such prosecuting attorney shall thereupon give at least eight days notice to the officer accused, of the time and place at which he will proceed to the examination of witnessess in relation to such charges,

before some circuit court commissioner for the same county; and he shall also, at the time of giving such notice, serve on the officer accused, a copy of such charges."

Section 10

That section ten of said chapter be amended by striking out the word "judge," whenever it occurs therein, and inserting instead thereof the word "commissioner;" so that said section as amended shall read:

Mannina— Mous made to be trans mitted to Movernor. "Sec. 10. At the time and place therein specified in the notice, the commissioner before whom such inquiry shall be conducted, shall proceed to take the testimony of the witnesses produced before him by the prosecuting attorney and the officer accused, which witnesses shall be sworn by such commissioner; and every answer given by them to any question which either party shall require to be reduced to writing, shall be written by or under the direction of such commissioner; their testimony shall then be read to and subscribed by them, and shall be certified by the commissioner taking the same, and delivered to the prosecuting attorney, who shall transmit the same to the Governor."

lection 12

That section twelve of said chapter be amended by striking out the words "and the county judge," in the first line, and the letter "a" in the word "judges," in the ninth line of said section; so that said section twelve as amended shall read:

Anthority to remove "Sec. 12. The judge of the circuit court and the circuit court commissioner shall have authority in term time or vacation to remove the county clerk, when in their opinion he is incompetent to execute properly the duties of his office; or when, on charges and evidence, they shall be satisfied that he has been guilty of official misconduct, or habitual or wilful neglect of duty, if, in their opinion, such misconduct or neglect shall be a sufficient cause for such removal; but no such clerk shall be removed for such misconduct or neglect, unless charges thereof shall have been preferred to said judge or commissioner, and notice of the hearing, with a copy of the charges, delivered to such clerk, and a full opportunity given him to be heard in his defence."

Check may be heard in

Sec. 2. This act shall take effect immediately. Approved January 29, 1853.

No. 20.

AN ACT to organize the county of Cheboygan.

Secreon 1. The People of the State of Michigan enact, That the counties of Cheboygan and Wyandot shall be organized in one county, Cheb by the name of Cheboygan, and the inhabitants thereof entitled to all the rights, privileges, and immunities, to which by law the inhabitants of other organized counties are entitled.



Sec. 2. There shall be elected in the county of Cheboygan, on the County first Tuesday of May next, all the several county officers to which cers, w by law the said county is entitled, and said election and the canvass shall, in all respects, be conducted and held in the manner prescribed by law for holding elections and canvasses for county and State officers: Provided, That the canvass shall be held at the village of Duncan, in said county, on the Monday next following said election, when he and said county officers shall immediately be qualified, and enter upon the duties of their respective offices, and their several terms of office shall expire at the same time they would have expired had they been elected at the last general election: And provided further, That Provise. until such county officers are elected and qualified, the proper officers of the county of Mackinac shall perform all the duties appertaining to the officers of said county of Cheboygan, in the same manner as though this act had not passed.

Sec. 3. The board of canvassers of said county, under this act, Board of shall consist of the presiding inspector of each township therein, who canvas shall organize by appointing one of their number chairman, and another secretary of the board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and State officers.

Sec. 4. The county of Cheboygan shall have concurrent jurisdiction upon Lake Huron, and Thunder and Saginaw Bays, with the jurisdiction other counties contiguous thereto.

Sec. 5. All that part of the township of Cheboygan which lies Boundaries west of the middle of the main channel of Mullet Lake, and Cheboy-ship of Dungan River, and of a line extended due north from the mouth of said river to the north bounds of the county, shall be organized into a separate township, by the name of Duncan, and the first township meeting therein shall be held at the hotel in the village of Duncan.

LAWS OF MICHIGAN.

County seat.

Sec. 6. The county seat of Cheboygan county is hereby fixed and established at the village of Duncan, on Cheboygan river, in said county.

Counties at ached to Cheboygan

Sec. 7. The counties of Presque Isle, Alpena, Montmorency, Otsego, Crawford, Oscoda, Alcona, Iosco, Ogemaw, and Roscommon, are hereby attached to the county of Cheboygan for judicial and municipal purposes.

Sec. 8. This act shall take effect immediately. Approved, January 29, 1853.

No. 21.

AN ACT to amend section five, chapter fifty of the revised statutes of 1846, relative to unauthorized banking, &c.

Sec. 5, chap. 50, R. S.

SECTION 1. The People of the State of Michigan enact, That samend section five of chapter fifty of the revised statutes of 1846, entitled "of unauthorized banking, and certain notes or evidences of debt issued by banks," be amended to read as follows:

"Sec. 5. No person, association, or body corporate, whether pub-Penalty for private, except such bodies corporate as are or shall be expressly authorized by law to do a regular banking business, and to issue bank accept, ex. bills, shall issue any bills, notes, due bills, drafts or other evidences of debt, in the similitude of bank bills, or to be loaned or put in circulation as money, or to pass or to be used as a currency or circulating medium; and every person, and every member of such corporation, who shall violate the provisions of this section, shall be punished by imprisonment in the State prison not more than (3) three years, or in the county jail not more than one year; or by fine not exceeding one thousand dollars, or both, in the discretion of the court. and any such corporation shall thereby forfeit all its corporate rights and privileges."

Sec. 2. There shall be added to said chapter fifty, two new sections, as follows:

"Sec. 8. No person, association or corporation authorized by law to do a regular banking business, shall issue any certificate of deposite uing post or post note, in the similitude of a bank bill, or to be loaned or put in circulation as money, or to pass or be used as a currency or circu-

LAWS OF MICHIGAN.

lating medium; and every person, and every member of such corporation, who shall violate the provisions of this section, shall be punished by imprisonment in the State prison not more than three years, or in the county jail not more than one year, or by fine not exceeding one thousand dollars, or both, in the discretion of the court."

"Sec. 9. It shall be the duty of the prosecuting attorney of each Duty of county to prosecute every violation of the provisions of said chapter, attorney. which may occur within his county; and if in any case, after due notice or knowledge thereof, he neglect so to do, he shall forfeit the sum. of five hundred dollars, to be recovered with costs in an action of debt by any person who may sue therefor."

Approved January 29, 1853.

[No. 22.]

AN ACT to provide for filing certain reports in the Auditor General's Office, and for other purposes.

SECTION 1. The People of the State of Michigan enact, That all Certain reports of the amount of capital stock of incorporated bodies paying ports to be specific taxes, hereafter received by any State officer, shall be placed dior Geo on file in the Auditor General's office within one week after their receipt.

Sec. 2. The Auditor General is authorized and required, upon the Duty of Aureceipt of such copies, to estimate and charge upon the books of his ditor Ge office, the amount of specific tax due from the company making such report; and in case any company shall neglect or refuse to pay the tax required by its charter, within twenty days after the same is due, it shall be the duty of the Auditor General to issue his warrant to the sheriff of the county in which such company is located, commanding him to forthwith levy the same, together with ten per cent for his fees, by distress and sale of any of the property of said company, wherever the same may be found within his county, and to pay over the same, reserving his fees, to the State treasury, within ten days after the same is collected.

Sec. 3. The sheriff shall give public notice of the time and place of sale, and of the property to be sold, at least ten days previous to rife

the sale, by advertisement, to be posted up in three public places in the township, city or village where such sale is made, and the sale shall be by public auction.

Ibid.

Sec. 4. If the property so distrained cannot be sold for want of bidders, or if the property of the company is insufficient to pay the tax, the sheriff shall forthwith return a statement of the same to the Auditor General; and if the company shall still neglect or refuse to pay such tax within thirty days, if the place of business of such company be in the Lower Peninsula, if in the Upper Peninsula, then within sixty days after such return, it shall be deemed a forfeiture of all its chaftered privileges.

Relative to orporation dling to

Sec. 5. In case any corporation fails to make the report contemplated in the first section of this act, it shall be the duty of the Auditor General, and he is hereby required, to ascertain the amount of the specific tax of any such corporation, as appears from their last report, and to issue his warrant as provided in the preceding sections, and for double the amount of such tax.

Approved January 29, 1853.

No. 23. 1

AN ACT to amend section twenty-four of chapter sixteen of the revised statutes of eighteen hundred and forty-six, entitled "of the powers and duties of townships, and election and the duties of township officers."

amended

SECTION 1. The People of the State of Michigan enact, That secchap. 16, R. tion twenty-four of chapter sixteen of the revised statutes of eighteen hundred and forty-six, entitled "of the powers and duties of townships, and election and duties of township officers," be amended so as to read as follows:

"Sec. 24. Special township meetings may be held for the purpose of choosing officers to fill any vacancy that may occur, if the township board shall deem it expedient, and make their order therefor; and in case the said township board become disorganized, or reduced below the number of a quorum, as provided by law, by or through the death or removal of the officers composing the same, or from any other cause, then such special township meeting may be called and

proceeded in, in all respects, as in the case of newly organized townships."

Approved, January 29, 1853.

No. 24.

AN ACT to organize the township of Drummond.

SECTION 1. The People of the State of Michigan enact, That all, that part of the State of Michigan included within the following boundaries, that is to say: beginning at the most southern bend in the boundary between this State and the British Province of Canada, immediately south of the Canadian Island of St. Joseph; thence south eastwardly and southwardly through the broadest channel between islands to and through the west strait; that is, the strait between the Upper Peninsula and Drummond Island; thence south in Lake Huron to a point due east of the middle of the channel between the Isle Bois Blanc and the Light House Point at Chebovgan Harbor; thence east to the boundary between this State and the British Province of Canada; thence northwardly and westwardly along said boundary to the place of beginning, be and the same is hereby set off and organized as a separate township, by the name of Drummond, and the first township meeting shall be held at the house of Murray Seaman; and ship the said township is hereby declared to be one of the townships of held the county of Chippewa.

This act shall take effect immediately.

Approved January 29, 1853.

[No. 25.]

AN ACT relative to the bonds deposited by banks in the Treasury of this State.

SECTION 1. The People of the State of Michigan enact, That every person who shall take from the State Treasury, contrary to the provisions of law, or shall deface or destroy any of the bonds therein deposited by any of the banks of this State, shall be punished by imprisonment in the State Prison for a term not exceeding ten years-

Approved, January 29, 1853.

[No. 26.]

AN ACT to change the name of the township of Northampton, in the county of Saginaw, to Chessening.

SECTION 1. The People of the State of Michigan enqut, That the name of the township of Northampton, in the county of Saginaw, be and the same is hereby changed to Chessening.

Approved January 29, 1853.

No. 27.

AN ACT to amend the sixth section of chapter eleven, title two of revised statutes of 1846.

Section 1. The People of the State of Michigan enact, That section six of chapter eleven, title two of the revised statutes of eighteen hundred and forty six, be amended so as to read as follows, viz:

"Sec. 5. Within ten days after a quorum of both houses of the Legislature shall be assembled at their session, immediately preceding the expiration of the time for which any Senator was elected to represent this State in Congress, an election shall be held for a Senator in Congress; which election may be continued from day to day until such Senator be elected."

Sec. 2. The eighty-sixth section of an act entitled "an act to provide for holding general and special elections," approved June twenty-seven, eighteen hundred fifty-one, be and the same is hereby repealed.

Approved January 29, 1853.

[No. 28.]

AN ACT directing the Auditor General to credit the county of Monroe with certain delinquent taxes.

Many of Aufilter General relative to delinquent funas.

SECTION 1. The People of the State of Michigan enact, That the Auditor General is hereby directed to credit the county of Monroe, on the books of his office, with the amount of taxes returned to said office in the year eighteen hundred and forty-eight, by the treasurer of said county of Monroe, being delinquent taxes assessed in said county of Monroe, in the year eighteen hundred and forty-seven.

Senator in Congress, when to be elected. ander the provisions of an act to provide for the draining of swamps, marshes, and other low lands, approved March 17, 1847.

Sec. 2. Said delinquent taxes shall be credited as of the same date Treasure as the other delinquent taxes returned from said county in the year second eighteen hundred and forty-eight, and shall avail the said county in ral. The same manner as if credited at the same time; and the treasurer of the county of Monroe shall account to the Auditor General for all amounts received in said county on said taxes, so credited as aforesaid, as is required by law in relation to other delinquent taxes:

Provided, That the provisions of this act shall not be construed to provise apply to taxes assessed in any other year, under the provisions of an act referred to in the first section of this act, or to any taxes assessed under the act referred to, not returned as delinquent to the office of the Auditor General, on or before the third day of April, A. D. eighteen hundred and forty eight.

Approved, January 29, 1853

[No. 29.]

AN ACT to authorize the District Judge of the Upper Peninsula to hold in trust and convey lands included in the town site of the village of Ontonagon, in the county of Ontonagon.

Whereas, The Congress of the United States, by an act approved Preamble.

May twenty-third, one thousand eight hundred and forty four, provided as follows: That whenever any portion of the surveyed public lands has been or shall be settled upon and occupied as a town site, and therefore not subject to entry under the existing pre-emption laws, it shall be lawful for the corporate authorities thereof, and if not incorporated, for the judges of the county court for the county in which such town may be situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sale thereof, to be conducted under such rules and regulations as may be prescribed by the Legislative authority of the State or Territory in which the same is situated: Provided, that the entry of the lands intended by this act

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Proviso.

be made prior to the commencement of the public sale of the body of land in which it is included, and that the entry shall include only such land as is actually occupied by the town, and be made in conformity to the legal subdivisions of the public lands authorized by the act of twenty-fourth of April, one thousand eight hundred and twenty, and shall not in the whole exceed three hundred and twenty acres: And provided also, That any act of said trustees not made in conformity to the rules and regulations herein alluded to, shall be void and of none effect." And Whereas, James K. Paul and others, have settled upon and occupied as a town site, certain lands known as the village of Ontonagon, in the county of Ontonagon, in the State of Michigan, the same being subject to entry as in said act provided. And Whereas, the county courts are abolished, and the jurisdiction heretofore possessed by them is vested in the district court, the judge of which is sole judge in the Upper Peninsula of the courts held in said county of Ontonagon, and the only person now authorized to make such entry, said town site being unincorporated: Therefore,

District per peninsu la authoricertain lands in trust, for titled there-

SECTION 1. The People of the State of Michigan enact, That Hon. judge of up- Daniel Goodwin, District Judge of the Upper Peninsula, and judge is authorized to enter of the courts held in and for the county of Ontonagon, in the State of Michigan, be and he and his successors in office are hereby authorpersons en ized and empowered to enter at the proper land office, in pursuance of the act in the foregoing preamble recited, and in conformity thereto, and under the rules and regulations hereinafter contained, in trust for the persons entitled thereto, all that portion of the following described lands, which are within the limits of the town site of the village of Ontonagon, in the county of Ontonagon, and to which the reservations made by authority of the United States have been or may be released, that is to say: Lots one, two, three, four, five, and six, of fractional section twenty-five, in fractional town fifty-two north of range forty west, in said county of Ontonagon.

Said lands, how disposed of

Sec. 2. Such judge, on such entry being made, shall dispose of such lands as follows: He shall execute as trustee of the occupants of the town site of Ontonagon, deeds of conveyance of the lots in said town, included in the above described lands, to the several occupants of said town site, according to their several and respective interests; and to each of them such portion thereof as he, she, or they

may be entitled to under the contracts by which such lots may be held: First, to James K. Paul, a deed of such lots as he holds or may hold, free from the claim of any other person, by virtue of an equitable pre-emption claim thereto; and to all other occupants deeds to each severally, of the lots held by them by virtue of contracts made with said James K. Paul; such deeds so to be made and delivered on the compliance of the person claiming with the conditions and terms of the contract under which he, she or they so claim, whether such contracts be written or verbal; and all such deeds to be delivered only after such compliance and on the payment by or for the person to whom any such lot is to be conveyed, of his, her or their pro-rata amount of such sum as may be sufficient to defray all necessary expenses; the amount to be determined by such judge.

Sec. 3. Should any controversy or matter of difference arise be- Duty of distween the respective parties claiming any of the lots aforesaid, such relative to judge shall proceed summarily to determine the same upon such tes-between timony, such notice to parties interested, and at such times and places as he may prescribe and direct; and his decision thereon shall be conclusive and final, subject only to review, reversal, modification or affirmance by the supreme court, in such manner as said supreme court may determine, on an application duly made for that purpose. within six months after the decision of such judge thereon.

Sec. 4. The supreme court are hereby authorized, on application Supreme made as aforesaid, to review and decide upon such decision of such direct a re judge, and may direct a re-hearing of such controversy in such manner as the circumstances of the case may seem to require.

This act shall take effect immediately.

Approved January 29, 1850.

[No. 30.]

AN ACT to incorporate the city of Adrian.

SECTION 1. The People of the State of Michigan enact, That so much of the townships of Adrian and Madison, in the county of of the city of Lenawee, as is embraced in the following description, to wit: All that part of section number thirty-four, in the township of Adrian, lying east of the highway running north from the township line

through said section, (excepting therefrom the north half of the north half of said section,) and the south half and south half of the north half of section thirty-five, and so much of the residue of said section as will include the bridge near the red mill, so called, and also the west half of section thirty-six, (excepting therefrom the north half of the north west quarter of said section,) in the township of Adrian, and also the west half of section number one, all of section number two, and so much of section number three, in the township of Madison, as ties east of the north and south road running through said section number three, is hereby set off from the townships of Adrian and Madison, and constituted the city of Adrian, by which name it shall be hereafter known.

Incorpora-

Sec. 2. The inhabitants of said city from time to time shall be and continue a body corporate and politic, to be known and distinguished by the name and title of "The council and freenten of the city of Adrian," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever, and may have a common seal, which they may alter and change at pleasure, and by the same name shall be, and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for the use of said city.

Wards; their bonndaries.

Sec. 3. The said city shall be divided into three wards, as follows, to wit: All that part of the city taken from the township of Madison shall be the first ward; the second ward shall include all that part of the city lying north of the township line between ranges six and seven, and east of main street; the third ward shall include all that part of the city lying north of said township line and west of main street.

Common council.

Sec. 4. The municipal government of the city shall consist of a common council, composed of a mayor, recorder, and six aldermen, of whom the mayor or recorder, and four aldermen, shall constitute a quorum.

Officers

Sec. 5. The following officers shall be chosen in and for the said city, to wit: One mayor, one recorder, who shall be ex-officio school inspector; one treasurer; one marshal, who shall be ex officio colleg-

tor of taxes; one street commissioner, two school inspectors, two directors of the poor, and four justices of the peace, who shall be elected in the following manner, to wit: the mayor, recorder, treasu- Term of of rer, marshal, and street commissioner, shall be elected annually, and shall hold their offices for one year, and until their successors have been elected and qualified. There shall also be elected annually, one school inspector, and one director of the poor, for the term of two years: Provided, That, at the first election, there shall be elected two school inspectors, and two directors of the poor: And provided also, Proviso. That immediately after said first election, the common council shall meet and determine by lot which of the school inspectors, and which of the directors of the poor, so elected shall serve for one year, and which for two years. There shall also be elected annually one Riccion of justice of the peace: Provided, That no justice of the peace shall be justices. elected, unless there shall be a deficiency in the number of four, occasioned by the expiration of the term of office, or otherwise, of one or more of the justices heretofore elected in the townships of Adrian and Madison, and who shall be residents within the bounds of said city at the time this act shall take effect. Such justices shall be justices of the peace of said city, and hold their offices during the term for which they were elected, or unless a deficiency shall occur from some other cause: And provided also, That when the term of two of the said justices already elected expires at the same time, one of the same, to be selected by lot by said common council, shall hold over for one year, and a certificate of the result of such selection shall be filed in the office of the county clerk, immediately after the same is made.

Sec. 6. There shall also be elected at the same time, in and for the Ward elecseveral wards, one supervisor, who shall also be assessor; one trea-tions. surer, one constable, and one alderman; the said alderman to hold his office for two years: Provided, That, at the first election, two aldermen shall be elected; one for the term of one year, and one for the full term of two years.

Sec. 7. The annual elections, under this act, shall be held on the Annual first Monday of April, in each year, at such places in each of the seve-elections; when held. ral wards as the common council shall designate; notice of which &c. shall be given by the recorder at least eight days before the election,

by posting the same in three public places in such ward. The su-

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Proviso.

pervisor and alderman of each ward shall be the inspectors of such elections, and they shall also be inspectors of the state, district, and county elections. The supervisor, if present, shall act as chairman of said inspectors, and the alderman shall act as clerk of said elections; and in case of the absence of one or more of such inspectors, the electors present may choose viva voce from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, by either of said inspectors, or by any justice of the peace. The manner of conducting all elections, and canvassing the votes, and the qualifications of electors in the several wards. shall be the same as that of townships; the word "ward," instead of "township," being used in the oath to be administered to an elector in case his vote shall be challenged: Provided, That at such charter elections, the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their ward, which certificates shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of said election, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices. And it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election; and each of said officers so elected and notified, shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: Provided, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number, and a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such office.

Proviso.

surer and marshal shall, respectively, before entering upon the discharge of their duties, give such security to the common council as they shall direct; and in case any of the officers so elected shall neglect for the term of ten days to qualify as aforesaid, or to give such security, the office shall thereby become vacant.

Sec. 8. In case of a vacancy, in either of the city offices, the com-common mon council may order a special election in and for the whole city, at on some proper place, for the purpose of electing some person to fill such to fill vacan. vacancy; and such election shall be conducted and the votes canvassed by the council of said city, or any three of them. In case of a vacancy in any of the offices of a ward, the common council shall order a special election in such ward, to fill such vacancy; which election shall be conducted in all respects in the same manner as annual elections for ward officers. The common council shall designate the time and place for holding such special elections; notices of which shall be posted up in three or more public places in the city or ward, as the case may be, or published in one or more of the papers published in said city, at least five days prior to such election, which notice shall state what offices are to be filled; and any person so elected shall serve for the remainder of the term of such office.

Sec. 9. The president, recorder and trustees of the village of Powers of Adrian, shall have all the powers, and are hereby required to dis-president, charge all the duties, in relation to the first election to be held under this act, that are conferred upon the mayor, recorder and alderman of the city of Adrian; any two of whom may act as inspectors of election in either of the wards at such election; and in case no two of them shall appear at the time and place appointed for such election, one or more shall be chosen from the voters present, to act as such inspectors.

Sec. 10. It shall be the duty of the mayor to preside at all meetings Duty of of the common council, and in his absence the common council may recorder. appoint any one of their number, for the time being, to preside at such meeting; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.

Sec. 11. The common council shall mest regularly on the first Time and Monday of every month, for the purpose of attending to any business place of that may be properly brought before them, at such place, and also at

Fine for non-attendance. such other times and places, as the mayor, and in his absence the recorder, shall appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendence of the officers and members thereof, at any such meeting; and also to require the attendence of any of the other officers of the city, and to impose fines for non-attendence: *Provided*, No such fine shall exceed five dollars for one offence.

Powers of common council.

Sec. 12. The common council shall have full power and authority to make all such bye-laws and ordinances relative to all nuisances within the limits of said city, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to suppress all games of chance or hazard; to suppress billiard tables, and all other gaming tables, kept for hire, gain or reward, and for the suppression of every species of gambling in said city, and for the suppression of disorderly and bad houses; to prevent the vending, sale or giving away of any spirituous liquors, by any person or in any place within said city, not authorized by law. The common council shall also have full power and authority, to make all bye-laws and ordinances for the suppression of riots, and riotous conduct; the discharge of fire arms, fire crackers, or the making of any improper noises that may tend to disturb the peace and good order of the city; for the apprehension and punishment of vagrants, drunkards, and idle persons, and to make all other such by-laws and ordinances, as they shall deem proper for the safety, good order, and government of said city, not inconsistent with the laws and constitution of this State or of the United States.

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Sec. 13. The common council shall also have power to make by-laws and ordinances, relative to the weighing of hay, measuring of fire-wood and sale of the same, and for that purpose may appoint some proper person to measure all fire-wood brought into the city for the purpose of sale, in the streets or public grounds; and also relative to drays, carts, hacks and other vehicles kept for the transportation of persons and property in said city, prescribe the amount of charges for services, and to designate their stands, and also designate the stands for the sale of hay, wood, produce, and other things exposed for sale in the streets or public grounds, and also for the regulation of a city market; to prevent and punish all immoderate driving

in any of the streets of said city; to prohibit any public bathing within said city; to prevent the improper driving over the side walks or incumbering the said walks and streets, alleys or public grounds, and to regulate all grave yards and burials of the dead for said city; relative to common showmen; the restraining of swine, horses and other animals from running at large in the streets or other public places in said city, and to regulate and establish one or more pounds in said city.

Sec. 14. The common council shall have full power and author- Ibid. ity to levy and collect highway taxes, and to make by-laws and ordinances, relative to the time and manner of working upon the streets. lanes and alleys of said city; and also relative to the time and manner of assessing, levying and collecting all highway and side walk taxes.

Sec. 15. The common council shall have power and authority to mis construct sewers and reservoirs, and to provide for supplying such reservoirs with water; to cause bridges to be built or repaired, streets to be paved or planked within the bounds of the city, whenever they shall deem the same necessary and proper; they shall also have power to cause side walks to be constructed or repaired, when and where they shall deem necessary and proper, and cause the expenses thereof to be assessed on lots or premises adjoining such streets or side walks, or by general assessment, as they may direct; to fix and establish the grades of all such streets and side walks, and also to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend.

Sec. 16. The common council shall have authority to lay out and General establish, open, make and alter, such streets, lanes and alleys, side duties walks, highways, water courses, market places, public parks and courses, bridges, within the limits of the said city, as they may deem necessary for the public convenience; and if in doing so, they shall require &c. for such purposes, the grounds of any person, they shall give notice thereof to the owner or parties interested, or his or their agent or representatives, by personal service, or by a notice published in some newspaper published in said city, at least three weeks previous to the meeting of the common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person

for such ground or premises; and if for any cause a stipulation between parties shall not be perfected, it shall be lawful for the council to direct the recorder of said city to issue a venire facias, directed to the marshal of said city, or to any constable of said county, commanding him to summon a jury of six disinterested freeholders, to be taken from without the limits of the city, to appear before any justice of the peace of said city, at any time therein to be stated, to inquire into and assess the damages in the case; which jury being duly sworn by said justice, faithfully and impartially to enquire into and assess the damages in the case in question, and having viewed the premises, if necessary, shall enquire of and assess such damages as they shall judge fit to be awarded to the owner or owners, or parties interested in such grounds or premises, for their respective interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment thereon, confirming the same, and such sum or sums so assessed, together with his or their costs, shall be paid, or legally tendered to the claimant thereof, before such street, lane, alley, side walk, highway, market place, public park or bridge, shall be made, opened, established or altered; but if such jury shall find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for costs, and issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the purposes aforesaid: Provided, That any party claiming damages may have the right to remove such proceedings by appeal to the circuit court for said county, upon giving notice of his or their intention so to do, to such justice, in writing, within ten days after the verdict of such jury, and the judgment of such justice thereon aforesaid; and upon the filing of a transcript of the proceedings aforesaid in the circuit court, the same proceedings shall be had as prescribed by law in case of appeals: Provided, That if the final judgment for damages of said circuit court, shall not exceed the damages assessed before said justice, the party appealing shall pay all costs occasioned by such appeal. The said common council shall have full control of all streets, lanes, alleys, bri 'ges, side walks and other public grounds within the said city, and the property belonging to said city; and it shall be their duty, and they are hereby empowered to make all such by laws and

Proviso.

Proviso.

ordinances, not inconsistent with the constitution and the laws of this State, or the United States, as shall by them be deemed necessary and proper for the best interest of the said eity.

Sec. 17. The assessment in the several wards of the city shall be Assessmade at the same time, and the assessment rolls completed, and all other proceedings had thereon, in the same time and in the same manner as is required by law of township assessors: Provided, That for the purpose of assessing all property equally, in the whole city. Proviso. the assessors shall act jointly in assessing each ward, and shall meet at the time required by the statute, at the office of the recorder of said city, for the purpose of reviewing and completing their assessments, and assessment rolls, for each of the several wards; and two of said assessors shall be authorized to perform all the duties required' of the whole number.

Sec. 18. When such assessment rolls shall be completed, they shall Asse be delivered to the said recorder, who shall immediately proceed to delivered make therefrom a full and complete condensed copy from such assessment rolls, for the use of the common council, which shall be deemed the city assessment roll for that year. When such copy shall be completed, and within fifteen days after receiving the same, the said recorder shall deliver said rolls to the respective supervisors of each ward, to be used for state and county purposes.

Sec. 19. The common council shall have power and authority to Authority levy and collect a capitation or poll tax upon the legal voters of said of council to city, and also taxes on all real and personal property within the lim-and collect capitation its of said city, by them deemed necessary to defray the expenses tax; also taxes on reof the said city, and shall have power and authority to make and al property. establish all necessary by-laws and ordinances for the collection of the same; and every assessment of tax, lawfully imposed or laid by the said common council on any lands, tenements, and hereditaments, or premises whatsoever in said city, shall be and remain a lien on such lands, tenements, and hereditaments, from the time of imposing such tax until paid; and the owner or occupant, or parties interested respectively in said real estate, shall be liable upon demand to pay every such tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said city to sell personal property, and for want thereof, to sell real estate, ren-

Proviso

dering the overplus, if any, after deducting the charges of such sale. to such owner, occupant, or lessee: Provided, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper published in said city, once a week, for at least one month next preceding such sale; and the said marshal, or his successor in office, shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said land described in the said certificate, shall not, within two years from the date thereof, pay to the treasurer of said city, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of tifteen per cent per annum, from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the land so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to the claims the State shall have thereon; and the said conveyence shall be prima facia evidence that such tax was lawfully enforced, and that all the proceedings thereon; including such sale, were regular, according to the provisions of this act; and every such conveyance, executed by the marshal, under his hand and seal, and witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner and with the like effect as a deed regularly executed and acknowledged by the owner and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold according and in such manner as the common council may direct.

Sec. 20. All moneys to be raised by tax in said city, shall be collected and paid over by the marshal to the treasurer of said city, at such time, and under such regulations, as shall be prescribed by the ordinance of the common council.

Duty of ouncil rel-

Sec. 21. It shall be the duty of the common council, whenever they ative to tax-shall have completed their tax roll for any one year, to make out a duplicate, charging each individual or premises therein, an amount of tax in proportion to the amount of real and personal estate in said city, to which they shall attach a warrant, signed by the mayor or recorder, directed to the marshal of said city. commanding said marshal to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll, opposite their respective names, and to pay over the same as they shall direct in said warrant; and the said warrant shall authorize the said marshal, in case any person named in the assessment or tax roll shall neglect to pay his tax, to levy the same by distress and sale on n sale of the goods and chattels of such person.

Sec. 22. The common council shall have power and authority to make all by-laws and ordinances relative to the powers, duties, and compensation of certain liabilities of the recorder, treasurer, marshal, and street commissioner, tain officers. and allow them respectively such compensation for their respective services as they shall deem just and reasonable; they shall also credit and allow to each assessor, one dollar per day for the time actually spent in taking the assessment and copying rolls, and also one dollar per day for each inspector of elections. The mayor shall receive the sum of five dollars per year, and no other compensation shall be allowed the mayor or aldermen for any services.

Sec. 23. The common council shall, at the expiration of each year, settle and audit the accounts of the treasurer, and the accounts of all Accounts of the officers and persons having claims against the city, or accounts &c., to be audited by with it, and cause all balances due to any person, to be paid out of council, any money in the treasury not otherwise appropriated, and shall make out in details statement of all receipts and expenditures; which statement shall fully specify all appropriations made by the common council, and the objects and porposes for which the same were made, receipts a and the money expended under such appropriations; the amount of ures, &c. taxes raised, and the amount of contingent expenses; the amount expended on highways, streets, and bridges, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city, and shall cause the same to be published in one or more newspapers published in said city.

Sec. 24. The common council shall have power and authority to make all by-laws and ordinances that may be necessary to secure ordinances. the said city and the inhabitants thereof against injuries by fire; to

Fire compa-

establish and organize all such fire companies, and hose, and hook, and ladder companies, and provide them with the proper engines, and other instruments, as shall be necessary to extinguish fire, and preserve the property of the inhabitants of said city from destruction; ' to appoint from among the inhabitants of said city such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and each fire, hose, and hook and ladder companys hall have power to appoint their own officers, pass their own bylaws for their organization and government of said companies, subject to the approval of the common council, and may enforce and By-laws of collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said city a certificate to that effect, which shall be evidence thereof; and the number [members] of such company, during their continuance as such, shall be exempt from serving on juries, or paying a poll tax in said city; and it shall be the duty of every such company to keep in good and perfect repair the fire engine in their charge, hose, ladder, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements, with a view to their perfect repair; and the said firemen, so appointed, shall annually elect one of their number chief engineer, who shall have command of the whole fire department of said city; and also to elect from their number assistant engineers at the same time; to appoint a fire warden in each of the wards, whose powers, duties, and compensation, shall be prescribed by the

Exemp.

Duty of fire

Chief enginr and as

Dity watch

Duty of nayor, alermen &c.. to remove them at pleasure.

Sec. 25. Upon the breaking out of any fire in said city, the mayor, aldermen, marshal and wardens, shall immediately repair to the place of such fire, and the said mayor, together with such of the aldermen as may be present with him, shall give such orders and directions to

said common council; and also to appoint a city watch of one or more

persons not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the said city, and to prescribe their duties and compensations when in actual service, and the chief engineer, marshal and fire wardens and other persons as he or they may deem necessary for extinguishing such fire and the preservation of property, not inconsistent with the duties of such officers and ci izens; and all persons disobeying such orders shall be liable to pay such fine as may be provided in any by-law or ordinance of the common council of said city.

Sec. 26. Any justice of the peace of said city is hereby author-offence ized and empowered to inquire of, hear, try and determine, in a sum-laws, mary manner, all the offences which shall be committed within the and deter limits of said city, against any of the by-laws, ordinances and regulations that shall be made, ordained and established by the said common council, in pursuance of the powers granted them in this act, and punish the offender or offenders by fine or imprisonment in the common jail, as the said ordinances shall provide; and for that purpose the common juil of the county of Lenawee may be used the same as for offences against the provisions of the statute : Provided, that all Proviso. persons arrested on a charge of violating any of the by laws or ordinances aforesaid, shall have the right of a tried by jury, if they shall 80 elect.

Sec. 27. The marshal of said city shall have power and author- Powers and ity, and it shall be his duty, with or without process, to apprehend shall any person found disturbing the peace or offending against any of the by-laws and ordinances of the city, and forthwith take such person before any justice of the peace of said city, to be dealt with as the by-laws and ordinances or the statutes shall provide, and may apprehead and imprison any person found drunk in the streets, until such person shall become sober, and shall be authorized to command the assistance, in the discharge of such duties, of any of the citizens, if deemed by him necessary.

Sec 28. The president, recorder and trustees of the village of Comm Adrian shall be the common council, and shall respectively discharge council all the duties of the mayor, recorder and alderman; and the treasurer. marshal, street commissioner and other officers of said village, shall be such officers of the city of Adrian, until others are elected and qualified in their stead; and all the by-laws, ordinances and other regulations now in force, not inconsistent with this act, or the provisions of the statutes of this State, shall be and remain in force until

City of Adrian liable for all legal demands against the village of Adrian.

altered or repealed by the common council of the city or village; and no suit or other proceedings in which the common council or any officer of said village shall be a party, or any duties to be performed by such officer, shall be affected in any manner whatever by this act, except as herein specified; and all property belonging, and all demands due to the village of Adrian, shall be the property of the city of Adrian, and the said city shall be liable for all legal demands against said village of Adrian.

Township officers.

Sec. 29. All town officers of the townships of Adrian and Madison, residing within said city, may continue to discharge all the duties of such officers for their respective towns, until after the first Monday in April next. The next township meeting for the township of Adrian shall be held at the school house, in school district number four. It shall be the duty of the school inspectors of the townships of Adrian and Madison to pay over the school moneys by them received for the present year, in the same manner as if this act had not been passed. The treasurers of the several wards of said city shall pay the school money by them to be collected, to the city school inspectors, except as otherwise directed by law.

School moneys; how disposed of.

Township meetings, when held.

Ordinance; when to take effect.

Sec. 30. No ordinance passed by said common council shall take effect until after the same shall have been published in one or more newspapers of said city, or by posting in at least three public places in said city, as shall be directed in such ordinance.

City to be deemed a tewnship for certain purposes.

Duties of treasurer and school inspectors. Sec. 31. The city of Adrian, for all purposes in regard to common schools and school moneys, shall be deemed a township; and the recorder shall discharge all the duties, and be subject to all the liabilities of a township clerk. The city treasurer and school inspectors shall discharge the duties of such corresponding township officers, except the collection of taxes.

Mayor entitled to certain rights, &c.

Sec. 32. The mayor of said city shall represent the several wards in the board of supervisors, and shall be entitled to all the rights, privileges and powers of said board, and receive the same pay as other supervisors of townships, while acting in and upon such board; and for that purpose, the said ward supervisors shall furnish him with their assessment rolls, to be presented to said board of supervisors; such rolls, together with the accompanying certificates, after the action of said board thereon, shall be returned to the proper supervisor, who shall perform all the remaining duties of such supervisor.

Sec. 33. All acts incorporating the village of Adaian, and all acts Repeal. amendatory thereto, are hereby repealed.

This act shall take effect immediately.

Approved January 31, 1853.

[No. 31.]

AN ACT to provide for the disposition of prisoners apprehended within the county of Montcalm.

Section 1. The People of the State of Michigan enact, That when-Prisoners ever any person committed by judicial process, or who may have been ed within sentenced to suffer imprisonment, upon conviction, shall be in the custoff Montcolly of the proper officer of the county of Montcolly, said officer disposed of shall forthwith convey such person to the jail of the county of Ionia, and deliver him to the keeper thereof.

- Sec. 2. It shall be the duty of the keeper of said jail, on being Duty of presented with the mittimus or process, under which such person is keeper of held, to receive him into his custody; and said keeper shall be liable for any neglect of duty in this as any other cases; and the county of Montcalm, from which such prisoner was sent, shall be responsible neglect of for, and pay all the fees and expenses which may result from or be incident to such removal or keeping, to the same extent and under the same circumstances as the county of Ionia would be bound or liable if such prisoner had been committed or sentenced as aforesaid, by the proper authorities of the county of Ionia.
- Sec. 3. And when any person charged with an offence shall have been received into said jail, he shall be delivered to the sheriff or the proper officer of said county of Montcalm, on being presented with an order from the court before whom such prisoner is to be tried, requiring such delivery.
- Sec. 4. This act shall remain in force until a sufficient jail shall be built in the county of Montcalm, and be in force from and after its passage.

Approved January 31, 1853.

[No. 32.]

AN ACT to extend the time for the collection of Taxes in Township of Niles, in the County of Berrien.

Time extended. SECTION 1. The People of the State of Michigan enact, That the time for the collection of taxes in the township of Niles, in the county of Berrien, for the year eighteen hundred and fifty-two, is hereby extended to the first Monday of March next.

Duty of treasurer. Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the lifetime of his warrant, and make his return at any time on or before the first Monday of March next; and the said warrant is hereby continued in full force and virtue for the purposes mentioned, until the said first Monday in March next.

Ibid.

Sec. 3. It shall be the duty of the said treasurer, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Berrien.

Transcript of unpaid taxes, how returned. Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and fifty-two, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 1, 1853.

[No. 33.]

AN ACT to organize certain townships in the county of Ontonagon, in the Upper Peninsula.

Town of Rockland organized. SEC. 1. The People of the State of Michigan enact, All that part of the county of Ontonagon known and designated as towns fifty north, in ranges thirty-eight and thirty-nine west, be and the same is hereby set off and organized into a separate township, by the name of Rockland, and the first township meeting shall be held at the house of Daniel Cavinna in said township, on the fourth day of July next.

First township meeting, where held.

Sec. 2. All that part of the said county of Ontonagon known and Township designated as town fifty north and range thirty-eight west, be and bad the same is hereby set off and organized into a separate township, by the name of Greenland, and the first township meeting shall be held First townat the office of the Farm Mining Company, in said township, on the ing, where fourth day of July next.

Approved February 3, 1853.

[No. 34.]

AN ACT to complete the organization of the county of Grand Traverse.

SECTION 1. The People of the State of Michigan enact, That all Omeens anthat part of the county of Omeena which remained after the organ- Grand Tra ization of the county of Grand Traverse, is hereby annexed to the county of Grand Traverse, and shall forever be and remain a part and parcel of said county.

Sec. 2. There shall be elected in the county of Grand Traverse, Election of on the first Tuesday of May next, all the several officers to which by Co. officers. law the county is entitled, and said election shall, in all respects, be conducted and held in the manner prescribed by law for holding elections for county and State officers. The canvass of said election Canvass. shall be held at the county seat of said county, the Monday next following the election, and the officers so elected shall be qualified and enter upon the duties of their offices immediately, and shall con-Terms of tinue in office until their terms of office would have expired, had they been elected at the last general election; but this section shall not be so construed as to deprive any officer duly elected, and qualified to his office, or to authorize the election of any one to fill his place.

Sec. 3. All that part of the Peninsula, in Grand Traverse Bay, Township which lies north of the line between towns twenty-seven and twenty- of Peninsula organised. eight north, shall be organized into a separate township, by the name of Peninsula, and the first township meeting shall be held at the Old Mission.

Sec. 4. All that part of the county of Grand Traverse, not included in the township of Peninsula, shall be erected into a separate township, by the name of Traverse, and the first township meeting shall be held at the county seat.

Traverse.

Certain counties attached to Grand Traverse for judicial and municipal purposes.

Sec. 5. The counties of Antrim, Kalcasca, Missaukee, Wexford, Manistee and Leelanaw, are hereby attached to Grand Traverse for judicial and municipal purposes.

Name of township changed. Sec. 6. The county of Antrim, shall be and remain the township of Omeena, and the name of the said township is hereby changed to Antrim, and the next township meeting therein shall be held at the house of Abraham S. Wadsworth.

Township of Leelanaw.

- Sec. 7. The county of Leelanaw is hereby erected into a township by the name of Leelanaw, and the first township meeting therein shall be held at the house of Peter Dougherty.
- Sec. 8. The counties of Kalkasca and Missaukee, are hereby attached to Antrim for township purposes, and the county of Wexford to Traverse, for township purposes.

Sec. 9. This act shall take effect immediately.

Approved February 3, 1853.

[No. 35.]

AN ACT to attach the counties of Midland, Aronac, Gladwin, Isabella and Iosco, to the county of Saginaw, and for other purposes.

Counties attached to Saginaw for certain purposes.

SECTION 1. The People of the State of Michigan enact, That the counties of Midland, Aronac, Gladwin, Isabella and Iosco, be and the same are hereby attached to the county of Saginaw, for judicial and representative purposes.

Counties attached to townships for certain purposes.

Sec. 2. That the counties of Gladwin, Aronac, and Isabella, be and the same are hereby attached to the township of Midland for the purposes aforesaid, and for the purpose of taxation, until set off and organized into other townships; and that the county of Iosco be and the same is hereby attached to the township of Hampton, in the county of Saginaw, for like purposes.

Canvass, when held, Sec. 3. That the votes given in the representative district composed of said counties of Midland, Aronac, and Gladwin, for the office of representative in the State Legislature, shall be canvassed at the place of holding township meetings in said township of Midland; and such votes shall be canvassed by the board of inspectors for said township of Midland, in the same manner that votes for township officers are required by law to be canvassed, except as hereinafter otherwise provided.

Sec. 4. That a statement of all votes given for said office of representative, and the number given for each candidate, shall be written votes, ho out in words at full length; which statement shall be certified as correct, &c. and attested by the supervisor or ether chairman of the board, and by the clerk or one of the clerks thereof, and such statement shall be recorded in the office of the township clerk of said township, in a suitable book to be provided by him for that purpose, at the expense of said township, and to be kept in his office; and a copy of such statement, verified and attached as aforesaid, shall be delivered by such township clerk to the county clerk of said county of Saginaw within one week after the time of holding such election, to be by such county clerk filed and recorded in his office.

Sec. 5. Whenever other townships shall be set off and organized Votes a in the territory embraced in said township of Midland, or attached for reprethereto by this act, the votes given in said representative district for towns, the office of representative, shall be canvassed at the county seat of where Saginaw county, at the time of canvassing the votes given in the county of Saginaw for said office, in the same manner as the votes for said office are required to be canvassed in counties containing more than one representative district.

- Sec. 6. The board of supervisors of Saginaw county shall have power of the same power to organize new townships in the territory embraced pervisors. by this act in the township of Midland, as in the territory comprising Saginaw county proper.
- Sec. 7. So much of an act entitled an act to organize the county Repeal. of Cheboygan, approved January, eighteen hundred and fifty-three, as relates to the county of Iosco, be and the same is kereby repealed.
- Sec. 8. The votes given in said county of Iosco for the office of votes given representative, shall be returned by the township or townships of said where recounty of Iosco to the county seat of Cheboygan, and counted with the votes of that representative district.
 - Sec. 9. This act shall take effect immediately. Approved February 3, 1853.

[No. 36.]

AN ACT to amend an act entitled an act "appropriating certain internal improvement lands for the improvement of the road from Mason, in the county of Ingham, to Dexter, in the county of Washtenaw," approved April 3d, 1848.

Section 1. The People of the State of Michigan enact, That the Act No. 290 of 1814, above named act be amended, so that the same will read as follows:

Unexpended balance of internal improvem . lands, how to be dispo sed of.

"Sec. 2. The directors of the Dexter and Mason Plank Road Company are hereby authorized to expend the unexpended balance of the three thousand acres of land contemplated in the above named' act on that portion of the road between Mason and Dexter aforesaid as in their judgment most requires improvement. The directors of said plank road company shall be, and are hereby appointed special commissioners."

Special commissioners.

"Sec. 3. The said special commissioners shall, by virtue of their Their pow-ers and du-appointment, have the control and management of the improvement contemplated in this act, and shall have power to appoint one of their own number, who shall superintend the same in person; or said commissioners may have power to let out by contract any job or jobs that may be necessary for the improvement of said road (the amount of which jobs and improvement shall in no case exceed the amount of unexpended balance of this appropriation) to the lowest bidder or bidders, who shall execute and deliver to the said commissioners a good and sufficient bond, with sureties, to be approved by them, and conditioned for the due and faithful performance of the work stipulated in the contract. Provided, that before letting, the said commissioners shall advertise for proposals for said job or jobs, describing the same, such advertisement to be published three successive weeks in one newspaper published in the county of Ingham, and one in the county of Washtenaw."

Proviso.

Commissioners to comply with sections 1, 4 No. 290 of 1818.

"Sec. 4. The first, fourth and fifth sections of the above named act, shall have the same binding force on the commissioners hereby and 5 of act appointed, and they shall in all cases be required to comply with the provisions of the said sections, except that they shall not receive any remuneration for letting or superintending the work or jobs on said Provided, that no portions of the lands thus appropriated shall be used in the construction of said plank road, or in the purchase of materials therefor; nor shall any portion of said lands, nor the avails thereof, be appropriated to the improvement of that portion of the road from Mason to Dexter, on which said plank road is likely to be constructed, within at least two years from and after the passage of this act."

Sec. 5. All acts or parts of acts contravening the provisions of this act, shall and the same are hereby repealed.

Sec. 6. This act shall take effect immediately.

Approved February 4, 1853.

[No. 37.]

- AN ACT to restore to the township of Rives, in the county of Jackson all that portion of said township detached by act number thirty-nine of the session laws of eighteen hundred and torty-nine, and attached to the township of Henrietta, in said county.
- Sec. 1. The People of the State of Michigan enact, That all that Part of Henrietta at the township of Henrietta, in the county of Jackson, which is reletta at the town of the meridian line, be and the same is hereby set off from the ship of Rives.

 and town of Henrietta, and annexed to and made a part of the township of Rives.
- Sec 2. That portion of the township of Henrietta, hereby attached to and made a part of the township of Rives, shall be entitled to and be liable for all moneys that the township of Henrietta may receive or pay on account of said portion of said township.
- Sec. 3. That act number thirty-nine, of the session laws of eighteen Act. No. 30 hundred and forty-nine, entitled an act to attach a part of the town of 1849 repealed. ship of Rives, in the county of Jackson, to the township of Henrietta, be and the same is hereby repealed.
- Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 4, 1853.

No. 38. 1

AN ACT to provide for the construction of a Ship Canal around the Falls of St. Marv.

Act of Concepted.

SECTION 1. The People of the State of Michigan enact, That the act gress approved August of Congress entitled "an act granting to the State of Michigan the 28, 1863, ac right of way, and a donation of public land, for the construction of a Ship Canal around the Falls of St. Mary, in said State," approved . August 26, 1852, is hereby accepted, and all conditions expressed in said act are hereby agreed to, and made obligatory upon the State of Michigan.

Governor authorized to appoint five commis an engineer.

Commissioners authorized to make con-

tracts, &c.

Condition to in contract.

In case of controversy between parties, how decided.

Proviso.

Sec. 2. For the purpose of carrying out the objects of said act, the Governor is hereby authorized, by and with the advice and consent stoners and of the Senate, to appoint five commissioners and an engineer, who shall prepare a plan for the construction of said canal, in conformity with the provisions of said act of Congress, and this act, to be approved by the Governor, and who shall have the entire and absolute control and supervision of the construction of said canal; and said commissioners are authorized and empowered to make all necessary contracts for the construction of the same; and during said construction, if at any time said commissioners shall be dissatisfied with the. manner of construction or the materials used, it shall be competent for them or a majority of them to direct the contractor to construct the same in such other manner, and to use such other materials, as to such commissioners or a majority of them, or engineer, shall seem necessary to insure a permanent and durable work; and this condibe embodied tion shall be embodied in any contract made for construction of said In case any controversy shall arise between the commissioners and contractor or contractors, in regard to said materials, or the manner of doing said work, during the construction of said canal, the same shall be decided by a board, to consist of said engineer and the Governor of this State, and the district judge of the Upper Peninsula, who shall decide thereon in a summary manner, and the decision of a majority of them shall be binding and conclusive upon the contractors, who shall thereupon proceed with the work, in the manner and make use therein of the material so required by said board or a majority of them: Provided, however, That the work upon said canal shall not be suspended or delayed by reason of said controversy,

and the contractors shall proceed therewith as required by said com-The locks in said canal shall not be less than three hundred and fifty feet long, and not less than seventy feet wide: Provided. That all appointments made by virtue of this act, shall cease and determine when said canal is completed.

Sec. 3. The said commissioners shall receive proposals for the Proposals construction of said canal, agreeably to said plan; and in deciding struction, upon said proposals, are required to take into consideration the re-ion of comsponsibility of the person or persons offering to contract for the same, thereon. and his or their ability to carry into effect the object and intention of said act of Congress, by constructing said canal in the best and most expeditious manner; and said commissioners, in making said contract, shall require good and ample security for the performance thereof. Neither the commissioners, or Governor, or the engineer, Pers'ns who shall not be or any member of this legislature, or any person related to the com-interested in missioners or engineer, shall in any manner be interested in the contract, directly or indirectly, for the construction of said canal.

Sec. 4. No contract for the construction of said canal shall take No contract effect until it shall have been approved by the Governor and engi- until approneer.

Sec. 5. The contractor or contractors for the construction of said Contractors canal shall defray the entire cost of surveying, locating, and constructing the same; the necessary traveling and other expenses of the commissioners; the salary of the engineer and assistants. The neces- Expenses of sary expenses of the commissioners shall be paid out of the State ers, how Treasury, upon the warrant of the Auditor General. The engineer shall have power, with the approval of said commissioners, to em-appoint aspley such assistants as may be necessary and proper. The assistants shall receive such reasonable compensation for their services as may tion of ac be agreed upon by said commissioners, and the engineer and assistants shall be paid out of the State Treasury, from time to time, upon the account of each respectively being certified to be correct by said commissioners, and upon the warrant of the Auditor General. cost of locating the said canal, and all expenses of every kind, incidental to the supervision of the construction and completion of said Contractors canal, shall be reimbursed by the contractors as fast as ascertained, to reimburse &c. and shall be paid by them into the State Treasury, and under the

Engineer to

LAWS OF MICHIGAN

ties of com-State land

20

direction of said commissioners. When, and as fast as the lands shall have been selected and located, an accurate description thereof. Description certified by the persons appointed to select the same, shall be filed of lands, how certifi- in the office of the Commissioner of the State Land Office whose ed, and du ties of com-missioner of duty it shall be to transmit to the Commissioner of the General Land Office a true copy of said list, and to designate and mark upon the books and plats in his office the said lands, as St. Mary canal lands.

Completion of canal

office.

Sec. 6. The commissioners shall require said canal to be constructed and completed within two years from making the contract; and on the completion of the same, within said period, to their satisfaction and acceptance, and the satisfaction of the Governor and engineer, they shall cause a certificate thereof to be signed by the commissioners, Governor, and engineer, and filed in the office of the Commissioner of the State Land Office. Thereupon it shall be the duty of the said Commissioner of the State Land Office, forthwith to make certificates of purchase for so much of said lands as by the terms of the contract for the construction of said canal are to be conveyed for the purpose of defraying its costs, and the expenses hereinbefore provided; which certificates shall run to such persons, and for such portions of said lands so selected and to be conveyed, as the contractor may designate, and shall forthwith be delivered to the Secretary of State, and patents shall immediately be issued thereon, as in other cases.

Duties of commis. sioner of State land office.

Commissioners to keep accurate acc'nts, &c.

Sec. 7. That said commissioners shall keep an accurate account of the sales and net proceeds of the lands granted by said act of Congress, and of all expenditures in the construction of said canal, and the earnings thereof, and on or before the first Monday in October in each year, return a statement thereof to the Governor, whose duty it shall be to return the same, or a copy thereof, to the Secretary of the Interior, at Washington, as required by said act of Congress.

Commissioners subject to removal; and vacancies how filled.

Sec. 8. The said commissioners shall be subject to removal for cause by the Governor; and if a vacancy shall occur by removal or otherwise, when the Legislature is not in session, the Governor may fill such vacancy, and the person so appointed shall hold his office until the Legislature meet.

Sec. 9. For the selection of the lands granted by Congress, as aforesaid, for the construction of said canal, the Governor shall appoint agents, in pursuance of said act. He shall give notice to the ection of

Governor authorized to appoint agents for lands, &c.

person or persons contracting under this act to construct said canal, to recommend to him suitable persons to make such selections; and he shall appoint such agents from the persons so recommended, if, in his judgment, suitable and proper persons for that purpose.

Sec. 10. That such contractor is by this act empowered and au-contracte thorized to associate with himself in the obligations, agreements and to a conditions of said contract, such persons or parties as he may elect, other perand assign to them such proportional interest in the remunerations of their rights lands, or the avails thereof, as he may decide and agree upon; or he may assign his rights, privileges and remunerations under the contract with the State, to any association organized according to the laws of this or any other State; and upon due notice to the board of commissioners and Governor, they shall be made parties to the obligations and emoluments of the contract, and be authorized upon such assignment and notice, to hold and sell lands, and improve and use the same as they may see fit and desirable, to the same extent that the contractor might individually have done; but in no case shall himself or his sureties be eased or exempted from their full liabilities to for- Such cost feitures for non-fulfillment of the contract as before specified in fail-from full Hure or inadequacy of additional security offered by assignees: Provided, It shall not be lawful for said company to use their funds or Proviso. any part thereof, in any banking or brokerage, or in buying or selling bank notes or bills of exchange, or in any other business whatever, except that especially provided for by this act, and the acts referred to herein.

Sec. 11. The said commissioners, in entering into the contract for Provi the construction of said canal, shall provide that the rail road at pres- across the ent existing across the Portage, be in no way unnecessarily interrupted during the progress of the work; and said commissioners shall have power to decide the necessity of any interruption; and the said commissioners may, at the expense of the said rail road company, re-locate said rail road, if they shall deem it necessary to aid and promote the construction of said canal.

This act shall take effect immediately.

Approved February 5, 1853.

[No. 39.]

AN ACT for the relief of James Waters.

SECTION 1. The People of the State of Michigan enact, That the Commissioner of the State Land Office is hereby directed to execute and make a certificate of sale to James Waters for the south west quarter of north east quarter of section sixteen, township six north of range twelve west, if the said Waters shall, prior to the first day of May next, pay to the State Treasurer all interest which shall have accrued on said land at the time said Waters may apply for said certificate.

Sec. 2. This act shall take effect immediately.

Approved February 5, 1853.

[No. 40.]

AN ACT ceding jurisdiction to the United States over lot number one, section thirty-four (34) in township number twenty-two (22) north of range eight (8) east; also, over two tracts of land on Lake St. Clair.

Cert'n tract

SECTION 1. The People of the State of Michigan enact, That jurisdiction is hereby ceded to the United States over a certain tract of that house land known and described as lot number one (1) of section thirtyfour (34) in township number twenty-two (22) north of range eight (8) east, in the State of Michigan, for the purpose of a light house: Provided always, and the assent aforesaid is granted upon the express condition, that this State shall retain a concurrent jurisdiction with the United States, in and over the tract of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this State, against any person or persons charged with crimes committed without or within the bounds of said tract of land, may be arrested therein, in the same way and manner as though this assent had not been granted.

Provis

Sec. 2. Jurisdiction is hereby ceded to the United States over such tracts of land as shall hereafter be selected by the authority of the United States for light house purposes at the following points, to wit: At or near the mouth of Clinton River, in the county of Macomb; also, on Lake St. Clair at the St. Clair Flats: Provided, such tracts

Location.

of land shall in no case exceed fifty acres to any one tract, and that the jurisdiction hereby ceded shall not take effect nor enure to the benefit of the United States over and upon either of said tracts of land, until the proper authorities of the United States shall have selected the same and established the bounds thereof, and filed a map Man & com of the same, with a certificate of the selection of the same, and the filed with boundaries thereof, in the office of the Secretary of State of this State, State, nor until an appropriation of money for the erection of a light house thereon shall have been made. And provided further, that the ju-proving risdiction aforesaid is granted upon the express condition and with the reservation, that the State shall retain a concurrent jurisdiction with the United States in and over the several tracts of land aforesaid, so far as that all civil and such criminal process as may issue under the authority of this State against any person or persons charged with crimes committed within or without the bounds of said tracts of land, may be executed therein in the same way and manner as though this act had not been passed.

Approved February 5, 1853.

[No. 41. [

AN ACT to authorize the formation of Corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes.

SECTION 1. The People of the State of Michigan enact, corporations organized and established under the provisions of this visions relative to authorize to authorize to authorize to authorize to authorize to authorize the state of the state o act, shall be capable of sueing and being sued, in any court in this State, and may have a common seal, and alter and amend the same seal, at pleasure; may elect, in such a manner as they shall determine, all necessary officers; may fix their compensation and determine their relection of duties, and make, from time to time, such by-laws, not inconsistent their o with the constitution and laws of this State, as a majority of the stockholders shall direct.

Sec. 2. Any number of persons, not less than three, who shall, by articles of agreement, in writing, associate according to the pro-tion. visions of this act, under any name assumed by them for the purpose of engaging in and carrying on any kind of mining or manu-

54

facturing business, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic or corporate, in fact and name, under any name assumed by them in their articles of association, provided no two companies shall assume the same name.

Articles of sociation be be filed with Secrey of State d county lerk, &c.

Sec. 3. Before any corporation formed under this act shall commence business, the president and directors shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county or counties in which such corporation shall conduct its mining or manufacturing business; which said articles shall be recorded in said office at length, in books prepared for that purpose at the expense of said corporation.

Articles of sociation to be signed, &c., and ac-knowledg'd.

- Sec. 4. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state:
- 1. Distinctly and definitely the purpose for which the same is formed:
 - 2. The amount of their capital stock, and the number of shares:
 - 3. The amount of capitol stock actually paid in:

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- 4. The name of the stockholders, their respective residences, and sucharti the number of shares held by each person:
 - 5. The place in this State where their office for the transaction of business is located, and the county or counties in which their business is to be carried on:
 - 6. The term of its existence, not to exceed thirty years.

Report, and

- Sec. 5. Every such corporation shall annually, in the month of beneat to July, make a report, signed by a majority of the board of directors, containing:
 - 1. The amount of capital actually paid in:
 - 2. The amount invested in real estate:
 - 3. The amount of personal estate:
 - 4. The amount of their debts and credits, as near as may be:
 - 5. The name of each stockholder, and the number of shares held by him, at the date of such report; and every such report shall be verified on oath, by the officers signing the same; and if any person shall, as to any material facts, knowingly swear or affirm falsely, he shall be deemed guilty of periury, and be punished accordingly.

- Sec. 6. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of stock limitassociation, and shall, in no case, be less than ten thousand dollars. nor more than five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each. The capital stock may be shares. increased, and the number of shares, at any meeting of the stockholders called for that purpose: Provided, That the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars.
- Sec. 7. The purposes for which every such corporation shall be Purposes of established, shall be distinctly and definitely specified in the articles corporation of association; and it shall not be lawful for said corporation to appro-ed. priate its funds to any other purpose.
- Sec. 8. When any corporation shall be formed under this act, any call of first two of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof, by publishing the same in some newspaper, at least fifteen days before the time appointed for such meeting.
- Sec. 9. The stock, property, and affairs of such corporation, shall Number of directors is be managed by not less than three, nor more than nine directors, as mited. the articles shall determine; one of whom shall be a resident of this Term of of-State. They shall hold their offices one year, and until their success-fice. ors shall be duly chosen.
- Sec. 10. The directors of every such corporation shall choose one Directors to of their number president, and such other officers as their articles of of their association and by laws may require, who shall hold their offices one president, year, or until a majority of the stockholders choose others in their stead er officers. The directors for the time being shall have power to fill any vacancy vacancies,1 which may happen in their board, by death, resignation, or otherwise, for the current year.
- Sec. 11. The directors may call in the subscription to the capital stock Ganer's proof such corporation by installments, in such portion, and at such times visions relative to suband places as they shall think proper, by giving notice thereof as the by scriptions to lawsshall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment, for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholders may

Stock of de- be sold by the directors at public auction, at the office of the secre-

Proviso.

linquest stockhold'rs tary of the corporation, giving at least thirty days notice in some newspaper published in the county: Provided, That if said stockholder shall reside in this State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days notice thereof in some newspaper published in the county: if no newspaper be published in said county, in which such corporation transact their business, then it shall be published in some newspaper in the city of Detroit; and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Quorum.

Sec. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders each share shall be entitled to one vote. Stockholders may appear and vote in person, or by proxy, duly filed.

Provision in al election.

Sec. 13. If it shall so happen that an election of directors shall case of fail-ure in annu- not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days notice of the time and place of such election, in the manner provided in the eleventh section.

Beoks of account to be opened for inspection,

Sec. 14. The books of every such corporation containing the accounts shall at all reasonable times be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of such corporation shall be made by order of the directors and laid before the stockholders.

Real and personal es

Sec. 15. Every such corporation shall by their name have power to acquire and hold all such real and personal estate as shall be necessary for the purposes of carrying on the business of such corporation: Provided, that their real estate shall not exceed three thousand acres.

ock to be

Sec. 16. The stock of every such corporation shall be deemed marker personal property, and shall be transferred only on the books of such company in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock or property of Liens upon its members, invested therein, for all the debts due from them to such of members. corporation, which may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale shall be entitled to the rights of stockholders.

Sec. 17. The stockholders of all corporations founded upon this Liabilities of act, shall be individually liable for all labor performed for such corporation or associations, which said liability may be enforced against How enforany stockholders founded on this statute at any time after an execu-odtion shall be returned not satisfied against said company, Provided Provise.

always, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Sec. 18. Every such corporation formed for mining purposes, shall Annual reannually in the month of July in each year, make a report, which ports of mining companing shall state the amount of copper, iron or other mineral which such nies. company may have mined within the year past, which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the secretary or other officer making the same, and be filed in the office of the clerk of the county in which the business Where filed. of any such corporation is carried on, and a duplicate thereof in the office of the Auditor General.

Sec. 19. Every corporation formed under the provisions of this act, for the purposes of carrying on manufacturing business, shall an- ports of manufacturing under the month of July, in each year, make a report, which shall ing companies. state the amount of capital actually paid in, and the amount borrowed by such company and remaining unpaid in whole or in part; which report shall be signed by a majority of the directors, and vereified by the oath of the secretary, or other officers making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is carried on, and a duplicate thereof in the office of the Auditor General.

Sec. 20. All corporations formed under the provisions of this act.

Specific taxes on mini'g

companies for the purpose of mining, shall pay into the State treasury specific taxes, as follows, that is to say: every such corporation engaged in copper mining, shall pay a tax of one dollar for each ton of copper or mineral obtained; every such corporation engaged in iron mining. shall pay a tax of ten cents for each ton of iron obtained, and every such corporation engaged in coal mining, shall pay a tax of one-half cent for each ton of coal obtained by such corporation in such mining business; which taxes shall be paid annually, in the month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate; and the same shall be in lieu of all State taxes to be paid by such corporations respectively: Provided, Nothing herein shall exempt from State taxation, any property of said corporation not invested in the said mining or manufacturing business,

When and where paid.

Proviso.

Specific taxes of manufacturing companies.

contemplated in this act.

Sec. 21. All corporations formedunder the provisions of this act, for manufacturing purposes, shall pay to the State a specific tax of one-half of one per cent on the amount of their capital stock paid in, and also money borrowed, which for this purpose shall be considered as capital stock of such corporations. The said tax shall be paid on the first day of September, at the office of the State Treasurer, or such place in the city of Detroit as he may designate. and the same shall be in lieu of all State taxes to be paid by such corporations respectively.

When and where paid.

Service of process, how made.

Sec. 22. Service of any legal process against any corporation formed under this act, may be made on the president, secretary or agent, or if neither of them can be found in the county in which by their articles of associations they are to do their business, then such service may be made by posting a true copy thereof on some conspicuous place at the business office of the company in said county.

Liability in case of negpunished, lect; how

Sec. 23. If the directors of any such company shall intentionally neglect or refuse to comply with the provisions and to perform the duties required of them by sections three, five, eighteen and nineteen of this act, they shall be jointly and severally liable in an action founded on this statute for all the debts of such corporation contracted during the period of such neglect or refusal; and such of them as were present and acting as such directors at any time during sach

neglect or refusal, shall be guilty of a misdemeanor, and may, on conviction thereof, be fined a sum not exceeding five thousand dellars, or imprisoned for a term not exceeding two years, or both, in the discretion of the court.

Sec. 24. If any such corporation, organized and established under this act, shall wilfully violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation shall jointly and severally be liable in an action founded on this statute for all debts contracted after such violation.

Sec. 25. The Legislature may at any time, for just cause, rescind Reneal the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs. The Legislature may repeal, alter or amend this act.

Sec. 26. That this act shall be subject to the provisions of chap-General preter fifty-five, title ten, of the revised statutes of 1846, so far as ap-visions. plicable to companies formed under this act.

Sec. 27. This act shall take effect immediately. Approved February 5, 1853.

[No. 42.]

AN ACT authorizing and requiring the Commissioner of the State Land Office to issue new certificates for Normal School lands in certain cases.

SECTION 1. The People of the State of Michigan enact, That the Duty of Commissioner of the State Land Office be, and he is hereby autho-commissioner of rized and required, upon being satisfied that no injury can result to relative to the trust fund to be affected thereby, and upon the surrender of any certificate original certificate of purchase of any normal school lands, to issue one or more new certificates in lieu of said original one, to the persons who at all exhibit to such Commissioner satisfactory evidence of being entitled thereto, and upon receiving the full amount of interest due upon such original certificate up to and including the last preeeding annual payment required thereby.

Proceedings | necessary to procure new certificates.

Sec. 2. The persons desirous of procuring such new certificate, shall in every case furnish the said Commissioner, as the basis of his action, with the certificate of the supervisor of the township in which the lands are situated, verified by his oath, that he is acquainted with the true condition, quality, quantity and location of said lands, and the proposed division of the same, and that in his opinion such division could be made without injury to the normal school fund, and the said Commissioner may require any other evidence which he may deem necessary in the premises.

Approved February 7, 1853.

No. 43.

AN ACT to provide for taking the census and statistics of this State.

Duty of supervisors & assessors.

SECTION 1. The People of the State of Michigan enact, That it shall be the duty of the supervisor of each township and ward, and assessor of each assessment district, at the time of taking a list of the taxable property, or between the first Monday of April and third Monday of May, in the the year one thousand eight hundred and fifty-four, and every ten years thereafter, to go to every dwellinghouse in their respective township, ward or assessment district, and by personally inquiring of the head of every family, or some competent person, to ascertain and take an enumeration of all the inhabitants therein, (except uncivilized Indians belonging to some tribe,) in the following order, to wit: The names of all males of the age of twenty-one years and under forty-five, (designating the married from the unmarried;) the names of those of forty-five and under seventyfive; the names of those of seventy-five and under ninety; the names of those of ninety and under one hundred; and the names of those over one hundred; the number of females of the age of eighteen years and under forty, (designating the married from the unmarried;) the number of the age of forty and under seventy-five; the number of the age of seventy-five and over; the number of children under the age of five years; the number of the age of five and under ten, (designating the males from the females;) the number of males of the age of ten and under twenty-one; and the number of females of the

age of ten and under eighteen; the number of colored persons; the number of blind; the number of deaf and dumb; and the number of insane persons and idiots; the number of marriages; and the number of deaths the preceding year, as near as can be ascertained; and the occupation or profession of all males over twenty-one years of age.

Sec. 2. And it shall also be the duty of the supervisor and asses- Ibid. sors of each city and township, at the time mentioned in the preceding section for taking the census of his township or ward, to ascertain and set down in a table prepared for that purpose, the whole number of acres of taxable land; the whole number of acres of land owned by individuals or companies; the number of acres improved; the number of acres sowed with wheat then on the ground; the number of acres and the number of bushels of corn harvested the preceding year; the number of acres harvested and the number of bushels of wheat raised the preceding year; the number of bushels of all other kinds of grain; the number of bushels of potatoes; and the number of tons of hay the preceding year; the number of sheep, and the number of pounds of wool sheared the preceding year, and number of sheep; the number of swine over six months old; and the number of pounds of pork marketed; the number of neat cattle (other than oxen and cows) one year old and over; the number of horses one year old and over; the number of mules; the number of work oxen, and the number of milch cows; the number of pounds of butter and cheese made the preceding year; the number of pounds of sugar manufactured the present year; the number of pounds of pepermint oil manufactured the preceding year; the number of flouring mills, the number of runs of stone in each: the number of barrels of flour made by each the preceding year; and the number of oil mills, and the number of gallons of oil made the preceding year; the number of breweries, the number of barrels of beer made the preceding year; the number of distilleries, the number of gallons of liquor made the preceding year; the number of gallons of wine made the preceding year; the number of barrels of cider made the preceding year; and the number of barrels of fish caught the preceding year, and the amount of capital invested; the number of saw mills, the number of feet of lumber sawed by each the preceding year, and the amount of capital invested; the number and kind of manufactories; the number of

[No. 39.]

AN ACT for the relief of James Waters.

SECTION 1. The People of the State of Michigan enact. That the Commissioner of the State Land Office is hereby directed to execute and make a certificate of sale to James Waters for the south west quarter of north east quarter of section sixteen, township six north of range twelve west, if the said Waters shall, prior to the first day of May next, pay to the State Treasurer all interest which shall have accrued on said land at the time said Waters may apply for said certificate.

Sec. 2. This act shall take effect immediately.

Approved February 5, 1853.

[No. 40.]

AN ACT ceding jurisdiction to the United States over lot number one, section thirty-four (34) in township number twenty-two (22) north of range eight (8) east; also, over two tracts of land on Lake St. Clair.

Cort'n tract

Section 1. The People of the State of Michigan enact, That jurisdiction is hereby ceded to the United States over a certain tract of sant house. land known and described as lot number one (1) of section thirtyfour (34) in township number twenty-two (22) north of range eight (8) east, in the State of Michigan, for the purpose of a light house: Provided always, and the assent aforesaid is granted upon the express condition, that this State shall retain a concurrent jurisdiction with the United States, in and over the tract of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this State, against any person or persons charged with crimes committed without or within the bounds of said tract of land, may be arrested therein, in the same way and manner as though this assent had not been granted.

Sec. 2. Jurisdiction is hereby ceded to the United States over such tracts of land as shall hereafter be selected by the authority of the United States for light house purposes at the following points, to wit: At or near the mouth of Clinton River, in the county of Macomb; also, on Lake St. Clair at the St. Clair Flats: Provided, such tracts

Location.

of land shall in no case exceed fifty acres to any one tract, and that the jurisdiction hereby ceded shall not take effect nor enure to the benefit of the United States over and upon either of said tracts of land, until the proper authorities of the United States shall have selected the same and established the bounds thereof, and filed a map Man & o of the same, with a certificate of the selection of the same, and the filed with boundaries thereof, in the office of the Secretary of State of this State, State, nor until an appropriation of money for the erection of a light house thereon shall have been made. And provided further, that the ju-proving risdiction aforesaid is granted upon the express condition and with the reservation, that the State shall retain a concurrent jurisdiction with the United States in and over the several tracts of land aforesaid, so far as that all civil and such criminal process as may issue under the authority of this State against any person or persons charged with crimes committed within or without the bounds of said tracts of land, may be executed therein in the same way and manner as though this act had not been passed.

Approved February 5, 1853.

[No. 41.]

AN ACT to authorize the formation of Corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes.

SECTION 1. The People of the State of Michigan enact, All Gener's procorporations organized and established under the provisions of this visions return to an act, shall be capable of sueing and being sued, in any court in this State, and may have a common seal, and alter and amend the same seal. at pleasure; may elect, in such a manner as they shall determine, all necessary officers; may fix their compensation and determine their Election of duties, and make, from time to time, such by-laws, not inconsistent their com with the constitution and laws of this State, as a majority of the pense stockholders shall direct.

Sec. 2. Any number of persons, not less than three, who shall, by articles of agreement, in writing, associate according to the pro-tion. visions of this act, under any name assumed by them for the purpose of engaging in and carrying on any kind of mining or manu-

Duty of Se-cretary of State relative to re turns.

Sec. 9. The Secretary of State shall condense in a tabular form the census and statistical returns made to him, and as soon as may be, cause three thousand copies to be published in pamphlet form. and transmit four copies to each organized township in the state, one for the use of the supervisor, one for the use of the township clark, and two to be deposited in the township library; and twenty-five copies to the mayor of the city of Detroit, and ten copies to the mayor of any other city in the State, for the use of the several city libraries, and one copy to each of the members of the present legislature and its officers: Provided, That in counties having less than ave thousand inhabitants, the supervisor in each town shall be entitled to three dollars for taking the census and statistics in his town extra.

Proviso.

Compensation.

Authority

council of Detroit to

appoint.

Sec. 10. In the city of Detroit, the common council shall appeint of common a person in each ward to discharge the duties required by this act to be performed by the supervisor of each township or ward: Provided, There is no assessor elected in said wards.

Columns of figures to be footed, &c.

Sec. 11. It shall be the duty of the persons required in this act to take said census, to have the several columns of figures footed, and the aggregate amount put down.

Governor to appoint marshals in

Sec. 12. That the Governor appoint marshals to take the census in the unorganized territory not otherwise provided in this act, who cert'n cases, shall receive such compensation as the board of supervisors of the organized county to which such unorganized territory is attached for judicial purposes shall allow.

> This act shall take effect immediately. Approved February 9, 1853.

No. 44.

AN ACT to amend sections three, nine, eighteen, nineteen and twenty, of an act entitled "an act relative to Plank Roads," approved March 13, 1848, and to add thereto six new sections, to stand as sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty.

Sec. 3 of act No. 62 of 1848, amended.

SECTION 1. The People of the State of Michigan enact. That section three of an act entitled "an act relative to plank roads," approved March thirteen, eighteen hundred and forty-eight, be amended so that the same shall read as follows:

"Sec. 3. All such corporations shall be deemed persons in law, Powers of and as such shall be capable of suing and being sued in all courts plank road and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant or otherwise, and holding any lands, tenements and hereditaments necessary to be used in the construction, repair and preservation of any such road, and may establish by-laws and regulations necessary for the construction, preservation and repair of any such road or roads, and the erection of toll gates and houses thereon; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders in any such road; the number of shares of stock that shall entitle a stockholder to one or more votes; the mode of voting by proxy; the mode of selling shares of stock for the non-payment of assessments; the mode in which shares shall become forfeited to such company; and may prescribe penalties for the violations of such by-laws, which penalty shall not exceed twenty-five dollars for each offence; and in addition to the powers in this act otherwise granted to such companies, any such company shall have the following powers, under the conditions herein prescribed:

"1. For the purpose of providing means for the construction and May issue completion of any plank road authorized to be built by any such corporate company, and its building and equipments, any such company may issue its corporate bonds or obligations, not exceeding in the aggregate one-half of the capital stock of such company, in such form as it may deem proper, payable at such time and places in this State, upon such terms and with such rates of interest, (not exceeding ten per cent per annum,) as the board of directors of such company may determine, with the approval of the owners of a majority of the stock of such company: Provided, no such bond or obligation shall Proviso. be issued for a less sum than one hundred dollars.

"2. Any such company may sell, dispose of or negotiate such bonds or obligations, either within or without this State, at such rates, for ma such prices and on such terms as such company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of or negotiated at a discount, such sale, disposed or negotiation shall be as valid and effectual as if such bonds or obligations.

had been sold, disposed of or negotiated at their par value; and such



bonds or obligations shall be valid and binding, as a security for the whole sum payable by the terms thereof, in the same manner as if the same had been sold, disposed of or negotiated at their par value: *Provided*, that none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company.

"3. For all or any of the purposes aforesaid, any such company

Construct'n

Dividends.

Proviso.

may create and issue shares of guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such company allowed by law, which construction stock shall be entitled to such dividends, and be payable at such place and in such manner, and with such preferences, or priority, over the remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shall be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting, called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of such company: Provided. That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through which

Proviso.

Sec. 2. That the ninth section of said act shall be amended by striking out the words "Secretary of State," in the third line, and inserting in lieu thereof the words "Auditor General," and by adding to said section the following, viz: "and the actual nett profits of said company for the preceding year;" so that, as amended, said section shall read as follows, viz:

such road may pass, in which a newspaper is then published; and if no newspaper shall then be published in any of said counties, then

in some newspaper published in the city of Detroit."

Sec. 9 of ac 160. 62 of 1648, emen

"Sec. 9. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of any such company to por render a report to the Auditor General, verified by the oath of any ditor General, two of such directors, setting forth the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and howmuch paid in, and how much expended, the whole amount of earn-ings expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual nett profits of said company for the preceding year."

Sec. 3. Section eighteen of said act shall be amended by striking 800. 18 of out all of said section after the word "tax," in the second line, and 184 inserting in lieu thereof other provisions; so that said section, as amended, shail read as follows, viz:

"Sec. 18. Each and every plank road company shall pay to the Annual treasurer of the State of Michigan, an annual tax at the rate of five whe per cent. on the nett profits of said company for the year preceding how the day on which the report in the ninth section of this act mentioned shall be made, which tax shall be paid on the first Tuesday of July in each year, and shall be estimated upon the last preceding report of said company, and said state tax shall be in lieu of all other taxes upon the property of said company."

Sec. 4. That sections nineteen and twenty be stricken out, and the following inserted in lieu thereof:

"Sec. 19. Every plank road company, subject to the provisions of this act, shall cease to be a body corporate, if, within seven years when rea from and after the passage of the act incorporating them, they shall structed not have commenced the construction of their road, and if, within ten years from and after the passage of the act incorporating them, such road shall not be completed according to the provisions of this act, by any company, then such company shall forfeit all rights to so Forfeiture much of said road as shall not be so completed within said period." of rights

Sec. 5. That six new sections be added to said act, to stand as sections 25, 26, 27, 28, 29, and 30, as follows:

bonds or obligations shall be valid and binding, as a security for the whole sum payable by the terms thereof, in the same manner as if the same had been sold, disposed of or negotiated at their par value: *Provided*, that none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company.

Construct'n

Dividends.

Proviso.

"3. For all or any of the purposes aforesaid, any such company may create and issue shares of guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such company allowed by law, which construction stock shall be entitled to such dividends, and be payable at such place and in such manner, and with such preferences, or priority, over the remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shall be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting, called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of such company: Provided. That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published; and if no newspaper shall then be published in any of said counties, then in some newspaper published in the city of Detroit."

Proviso.

Sec. 9 of act 160-62 of 1848, amonded. Sec. 2. That the ninth section of said act shall be amended by striking out the words "Secretary of State," in the third line, and inserting in lieu thereof the words "Auditor General," and by adding to said section the following, viz: "and the actual nett profits of said company for the preceding year;" so that, as amended, said section shall read as follows, viz:

"Sec. 9. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of any such company to por render a report to the Auditor General, verified by the oath of any ditor Ge two of such directors, setting forth the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and howmuch paid in, and how much expended, the whole amount of earn-ings expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual nett profits of said company for the preceding year."

Sec. 3. Section eighteen of said act shall be amended by striking 800.18 of out all of said section after the word "tax," in the second line, and 1846, inserting in lieu thereof other provisions; so that said section, as amended, shall read as follows, viz:

"Sec. 18. Each and every plank road company shall pay to the Annual treasurer of the State of Michigan, an annual tax at the rate of five who per cent. on the nett profits of said company for the year preceding how es the day on which the report in the ninth section of this act mentioned shall be made, which tax shall be paid on the first Tuesday of July in each year, and shall be estimated upon the last preceding report of said company, and said state tax shall be in lieu of all other taxes upon the property of said company."

Sec. 4. That sections nineteen and twenty be stricken out, and the following inserted in lieu thereof:

"Sec. 19. Every plank road company, subject to the provisions of this act, shall cease to be a body corporate, if, within seven years When ro from and after the passage of the act incorporating them, they shall structed not have commenced the construction of their road, and if, within ten years from and after the passage of the act incorporating them, such road shall not be completed according to the provisions of this act, by any company, then such company shall forfeit all rights to so Forfeiture much of said road as shall not be so completed within said period." of rights.

Sec. 5. That six new sections be added to said act, to stand as sections 25, 26, 27, 28, 29, and 30, as follows:

Power of toll-gather"Sec. 25. Each toll gatherer of any such company may detain and prevent from passing through his gate any person or persons riding or leading or driving one or more animals or vehicles subject to toll, until such person or persons shall pay the lawful toll authorized by law to be demanded at such gate.

Penalty for obstruct'ns, sec.

"Sec. 26. If any person shall wilfully or maliciously obstruct, break, injure or destroy the plank road of any such company, or shall wilfully or maliciously injure or destroy any building, bridge, culvert, toll gate, or other work or fixture of any such company, such person shall be punished by imprisonment in the State prison not exceeding three years, or by fine not exceeding five hundred dollars, and by imprisonment in the county jail not exceeding one year.

Liability in cortain ca"Sec. 27. Every person who, with one or more animals or vehicles, subject to toll, shall travel on the road of any such company between the toll gates, and shall not pass through any gate of any such company, shall be liable to pay any such company on demand, the regular toll at the rate per mile established by the charter of any such company, for the distance actually so travelled: *Provided*, that this section shall not apply to any person for any such travel as is exempted from toll.

Ibid.

"Sec. 28. Every person who, to avoid the payment of legal toll on said road, shall, with his vehicle or animal, or vehicles and animals subject to tolls, turn off from such road or pass any gate thereon, on any ground adjacent thereto, and enter again on such road, shall forfeit and pay any such company for each offence, the penalty of ten dollars and costs of suit for the recovery of the same.

"Sec. 29. All penalties and forfeitures given by the charter of any

Penalties & farfaitures; how recovered.

such company, may be sued for and recovered by any such company in its own name, in an action of debt or assumpsit, in any court of competent jurisdiction, or before any justice of the peace in the county where such offence was committed; and on the first Monday in January in each year, the treasurer of any such company, shall render under oath to the treasurer of the proper county, an account of all moneys collected during the preceding year by any such company, for any penalty or forfeiture accruing within said county, and shall pay over to said county treasurer one-half of the amount so collected

for the use of the county, and return the other half for the use and

Duty of treasurer of company.

benefit of the company.

"Sec. 30. Any plank road company, organized under the provisions of this act, shall be subject to the provisions of all amendments made subject or to be made thereto, whenever the assent of any such company, visions. certified by the president and secretary thereof, to the provisions of such amendments, shall be filed in the office of the Secretary of State."

Sec. 6. This act shall take effect immediately. Approved February 9, 1853.

[No. 45.]

AN ACT to amend sections thirteen and eighteen of an act entitled "an act to incorporate the village of Hillsdale."

Smorton 1. The People of the State of Michigan enact, That sec- Sections 12 tions thirteen and eighteen of an act entitled "an act to incorporate No. 52 of the village of Hillsdale," approved March sixteenth, eighteen hundred ded. and forty-seven, be and the same are hereby amended so that they shall read as follows:

"Sec. 13. The president and trustees shall have full power and rower of authority to make by-laws and ordinances relative to the duties, trustees. powers and fees of the marshal, street commissions, treasurer, clerk, and assessors, relative to the time and manner of laying out, altering and working the streets, lanes and alleys of said village; relative to the manner of assessing, levying, and collecting all highway and other taxes in said village, and applying the same, as well as the amount of taxes to be raised: Provided, That there shall not be provided raised in any one year, exclusive of the poll tax, more than three hundred dollars, except upon a vote of the electors of said village, taken at the annual meeting immediately after the closing of the polls, or at a special meeting called upon a notice as provided for the annual meetings, in which notice the object of the meeting shall be stated, and not to exceed one thousand dollars with such vote; and the said president and trustees shall have full power to make by-laws and ordinances relative to all nuisances within the limits of said village, to construct drains, sewers and reservoirs; to license all showmen, and regulate the number; to make such regulations respecting fires, and for protecting the village from fire, as they shall deem

proper and expedient; relative to the calling of meetings of the electors of said village; relative to the restraining of swine, horses and other animals from running at large in said village; to suppress gaming tables kept for hire, gain or reward in said village; for preventing and suppressing all gambling, disorderly and bad houses; for the suppression of riots; for the apprehension and punishment of all gamblers, vagrants, drunkards and idle persons; to prevent the incumbering of the streets, alleys and public grounds; and they shall have power to make such other laws and ordinances for the safety and good government of said village, as shall be necessary to carry into effect all the powers and authority reposed in them, as to them shall seem necessary; and to impose all fines, penalties and forfeitures on all persons offending against the by-laws and ordinances made as aforesaid: Provided always, such by-laws and ordinances shall not be repugnant to the constitution and laws of the United States or the State of Michigan.

"Sec. 18. The president and trustees shall have power to levy and

Power of a collect a capitation or poll tax (not exceeding one day's labor on the highways or streets) of every male inhabitant of said village over twenty-one years of age, except paupers, lunatics, and persons of color; and also such taxes on real and personal property within the limits of said village, as may be necessary to defray the expenses thereof, and make such improvements as they shall deem necessary: Provided, That the amount raised in any one year, exclusive of the poll tax, shall not exceed the sum of three hunndred dollars, except upon a vote of the electors of said village, taken at the annual meeting immediately after the closing of the polls, or at a special meeting called upon a notice as provided for the annual meetings, in which notice the object of the meeting shall be stated, and not ex-Restriction ceeding one thousand dollars with such vote; and all such taxes, so levied upon the real and personal property aforesaid, shall be graduated according to the assessment roll of the assessor, to be made out as the by-laws and ordinances of the president and trustees

Provise

Certain tax-, how

shall direct."

Sec. 2. An act entitled "an act to amend an act to incorporate Act No. 239 the village of Hillsdale, approved April first, eighteen hundred and fifty," is hereby repealed.

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Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1853.

[No. 46.]

AN ACT relative to surplus funds in the State Treasury.

SECTION 1. The People of the State of Michigan enact, That the State Treasurer be and he is hereby instructed to require of any bank, before he shall make it a depository of surplus funds belonging to the State, good and ample security, to be approved by the State Treasurer, Auditor General, and Secretary of State, for the safe keeping and re-imbursement of such surplus funds when called for, and the payment of interest thereon, at a rate of not less than five per cent. per annum.

Sec. 2. Nothing in this act contained shall be held or considered in any manner as changing or affecting the liability of the State Trersurer or his bail, on their bond to the State.

Sec. 3. This act shall take effect immediately.

Approved February 9, 1853.

No. 47.

AN ACT to extend the time for the collection of taxes in the township of Bridgeport, in the county of Saginaw.

SECTION 1. The People of the State of Michigan enact, That the Time enterstime for the collection of taxes in the township of Bridgeport, in the ded. county of Saginaw, for the year eighteen hundred and fifty-two, be and the same is hereby extended to the first Monday in March, eighteen hundred and fifty-three.

Sec. 2. The treasurer of said township is hereby authorized and puty of empowered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return at any time on or before the first Monday of March next; and said warrant is hereby renewed and continued in full force and virtue for the purposes aforesaid, until the said first Monday of March next.

This.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the supervisor of said township.

Transcript
of unpaid
taxes to be
returned to
Auditor
General

Sec. 4. A transcript of all lands returned to the county treasurer in pursuance of the foregoing provisions, delinquent for non-payment of taxes, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-two, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately. Approved, February 9, 1853.

[No. 48.]

AN ACT to amend an act to incorporate the Native Copper Company, approved March 31, 1849.

Sections 2. The People of the State of Michigan enact, That sec-5 of set No. tions two and three of an act to incorporate the Native Copper Com-177 of 1849, amended. pany, be so amended as to read as follows:

"Sec. 2. The said company shall have corporate succession. Its Capital and capital stock shall be two hundred and fifty thousand dollars, of company divided into shares of twenty-five dollars each; and said company may acquire and hold such real and personal estate in the Upper Peninsula of Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company.

Officers of company.

Assessment on shares, "Sec. 3. The officers of said company shall consist of a president, board of five directors, including the president, (who shall be one thereof,) a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person, and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided*, one of said directors shall at all times be a citizen and resident of this State, upon whom service of all process against said company may be made;

and such service shall be deemed a valid service as against the said "Wative 'Copper Company."

This act shall take effect immediately.

*Approved February 10, 1853.

No. 49.]

AN ACT to discontinue a certain road in the town of Martin, in the county of Allegan.

Whereas. Under and by virtue of the act entitled "an act appointing commissioners to lay out and establish certain State roads." approved March seventeenth, eighteen hundred and thirty-seven, a portion of the State road from Grand Rapids, through the town of Martin, in the county of Allegan, to Kalamazoo, in the county of Kalemazoo, and thence by way of Centreville, in the county of St. Joseph, to the southern boundary of the State, has heretofore been laid out: And whereas, That part of said road lying in the town of Martin aforesaid, is useless and unnecessary;

SECTION 1. The People of the State of Michigan enact, That the portion of the public road aforesaid, in the town of Martin aforesaid, be and the same is hereby discontinued.

Approved February 10, 1853.

[No. 50.]

AN ACT to amend section thirty-two of an act entitled "an act to incorporate the city of Adrian," approved January 31, 1853.

SECTION 1. The People of the State of Michigan enact, That 800tion thirty-two of an act entitled "an act to incorporate the city of No. 30 of Adrian," approved January thirty-one, eighteen hundred and fifty-ded. three, be so amended as to read as follows:

"Sec. 32. The Mayor of said city shall represent the several wards in the board of supervisors of the county of Lenawee, and shall be present the entitled to all the rights, privileges and powers of a member of said wards in the board, and no other; and while acting with and on said board, shall pervisors to all intents and purposes, be treated and considered as one of the Supervisors of said county; and for that purpose the said ward suDuty of suporvisors.

pervisors shall furnish him with their assessment rolls, to be presented to said board of supervisors; such rolls, together with the accompanying certificates, after the action of said board thereon, shall be returned to the proper ward supervisor, who shall perform all the remaining duties of such supervisor."

Sec. 5. This act shall take effect immediately. Approved February 10, 1853.

[No. 51.]

AN ACT to extend the time for the collection of taxes in the township of Rollin, in the county of Lenawee.

Time exten-

SECTION 1. The People of the State of Michigan enact, That the time for the collection of taxes in the township of Rollin, in the county of Lenawee, for the year eighteen hundred and fifty-two, be and the same is hereby extended to the first day of March, eighteen hundred and fifty-three.

Duty of treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make his return at any time-on or before the first day of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the first day of March next.

Bond to be renewed.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life-time of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county.

Transcript of unpaid taxes; how returned. Sec. 4 A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and fifty-two, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved, February 11, 1853.

No. 52.

AN ACT to prevent the wilful and malicious destruction of fruit, shade, or ornamental trees.

Section 1. The People of the State of Michigan enact, That every within person who shall wilfully and maliciously or wantonly and without pass. cause, cut down or destroy or otherwise injure any fruit tree or trees or any other tree or trees, not his own, standing or growing for shade or ornament on the land of another, the damage for which said cutting down, destruction or injury to the owner or owners of said tree or trees shall amount to the sum of twenty-five dollars, shall be Penalty. punished by imprisonment in the Sate prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, in the discretion of the court.

Sec. 2. This act shall take effect immediately. Approved February 11, 1853.

[No. 53.]

AN ACT to provide for the publication of Probate and other legal notices.

SECTION 1. The People of the State of Michigan enact, That all Probate noprobate and other legal notices, required by law to be published by the Judge of Probate, of any county, or any other county officer, shall be published in some newspaper printed in the county where said probate judge shall hold his court, or where such other county officer shall reside, if there be one printed in said county: Provided, That this act shall in no wise affect notices which are now required to be published previous to the sale of real estate, by executors, administrators and guardians.

Approved February 11, 1853.

No. 54.

AN ACT to provide for the payment of specific taxes to the counties in the Upper Peninsula.

Specific tax as; how paid. SECTION 1. The People of the State of Michigan enact, That one-half of the taxes received or which may be hereafter received into the treasury of the State, from mining corporations in the Upper Peninsula, paying an annual tax of one per cent, shall be paid to the treasurers of the counties from which they respectively have been or hereafter may be received, upon the written order of the county clerk of the county from which such tax has been or shall be received, to be used for county and township purposes, as the board of supervisors in said counties respectively shall direct, as provided in section seven of article nineteen of the constitution.

Approved February 12, 1853.

No. 55.

AN ACT to provide for the collection of taxes in the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-two, and to extend the time for the collection thereof.

Logality of

SECTION 1. The People of the State of Michigan enact, That the tax roll for the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-two, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the township treasurer at the time prescribed by law.

Bond required.

Sec. 2. That the treasurer of said township file his bond as required by law, within five days after the reception of said roll, and before he proceeds to the collection of taxes.

Sec. 3. That the time for the collection of said taxes be extended.

Finne extent to the first day of June next, and that the said treasurer make return as provided by law in other cases, on or before the tenth way of June next.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 12, 1858.

[No. 56.]

AN ACT to amend an act entitled "an act to incorporate the village of Battle Creek," approved April second, eighteen hundred and fifty; and also to amend an act entitled an act to amend an act entitled "an act to incorporate the village of Battle Creek," approved April fourth, eighteen hundred and fifty-one.

SECTION 1. The People of the State of Michigan enact, That an act entitled "an act to incorporate the village of Battle Creek," 287 of 1850. approved April second, eighteen hundred and fifty, and an act enti- of 1851, 'tled "an act' to amend an act entitled an act to incorporate the village of Battle Creek," approved April fourth, eighteen hundred and fifty-one, be amended as follows: amend section eight, so that said section as amended, shall read as follows:

"Sec. 8. The village council shall have power to ordain and establish by-laws, rules, and regulations, and the same to alter and powers of village counrepeal at pleasure, for the following purposes:

- "1st. For the election or appointment of any subordinate officers, if necessary, and prescribe their duties, and the duties of the treasurer, and the amount of bonds he shall give for the performance of his duty, which bond shall run to the president of said corporation and his successors, who shall have power to sue for any breaches of the same for the benefit of said corporation, and to prescribe the amount of fees which all the officers of said corporation (except the village council) shall be entitled to receive for their services:
- "2d. To prohibit the running at large of swine, cattle, mules, horses, sheep, and other animals within the limits of said village, and to build a pound for impounding the same:
 - "3d. To regulate the building of partition and other fences:
- "4th. To prescribe the manner in which stoves, with their pipes, in actual use, shall be put up, and chimneys built, to guard against fire:
 - "5th. To remove nuisances:
- "6th. To regulate the licensing of all public shows and exhibitions in said village, and to prescribe the sums to be paid into the treasury therefor:
- "7th. To grade the streets and alleys, and plank or pave them, and to cause side-walks to be made, and the expense thereof to be

assessed on the lots in front of which either or all of said improvements shall be made; but no one of said improvements shall be made unless a majority of the resident freeholders to be assessed for such improvements shall petition the council for that purpose, and notice be given as hereinafter mentioned:

"8th. To cause the streets, alleys, side walks, and public highways, and every part thereof, to be kept free from obstructions, and to prescribe penalties for obstructing the same:

"9th. To take up, vacate, and discontinue any street, or alley, in said village, upon the petition of ten freeholders residing in said village, first giving ten days notice in writing, in three ofthe most public places in said village, of the time and place of the meeting of said council, to vacate, or discontinue any such street or alley:

"10th. To suppress all gambling houses and riotous and disorderly conduct, and to prevent horse-racing, and everything else that disturbs the public peace or endangers the safety of the citizens:

"11th. For a violation of any which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said village council may deem proper; and any such fine and penalty may be recovered before any justice of the peace of the township of Battle Creek, and any interest the inhabitants of the village of Battle Creek, as a body corporate, may have in such fine or penalty to be recovered, shall not disqualify them to act as jurors, or from being witnesses in any suit for the recovery thereof."

Section 9 of

Sec. 2. That section nine of said act be and the same is hereby repealed, and that the following stand in lieu thereof, as section nine:

Appeal.

"Sec. 9. The final determination or order of said village council, in vacating and discontinuing any street or alley, on refusing so to do, shall be entered at large by the clerk upon the records of said council; and any person interested and feeling himself aggrieved by such determination, may appeal therefrom within ten days from the entry so made by the clerk, and not after, to the circuit court for the county of Calhoun, which court is hereby authorized to hear, try and determine such appeal, and to make such order therein as the court may deem necessary to promote the ends of justice, which order so made by the court shall be final in the premises. And the register of deeds of said county of Calhoun, may enter of record in his office,

any such order or determination of said village council, or of said court upon an appeal, when properly certified to by the clerk of said village, or by the clerk of said court as the case may be.."

Sec. 3. That section eleven of said act be amended so as to read as follows.

"Sec. 11. When a majority of the free-holders residing upon any Duty of street, or upon either side of any street, or upon any portion of any council relative to pave street, not less than the width of one block, shall petition to improve ment of streets, &c. said street by grading, planking or paving the same, or by building or repairing side-walks, or planting shade trees, the village council shall order the same to be done by giving ten days notice in writing to such occupant or owner, or to the agent of any vacant lot, on the portion of said street to be improved: Provided, If there be no resident owner or agent of any vacant lot, then a written notice posted up in the most conspicuous place on said vacant lot shall be deemed sufficient, directing them to construct such side-walk or to make such other improvement in a given time by them designated; and in case of neglect or refusal of any such owner or occupant to construct such side-walk or make such other improvement, it shall be lawful for the board forthwith to make such improvements and assess the expense of the same upon the premises in front of which said improvements have been made, and collect the same as provided for the collection of taxes by this act."

Sec. 5. That section twelve of said act be amended so as to read as follows:

"Sec. 12. The electors of said village, at any annual meeting, shall Tax. • have power to raise money by tax, any sum not exceeding one thousand dollars in any one year, which sum shall be determined by a viva voce vote; and said tax shall be assessed on the property within the corporation in the same manner as township taxes are assessed, as near as may be, but no lands included in said corporation which are useed for farming purposes, and not laid out into village lets, shall be included in such assessment. The assessors shall assess Duty of asthe property within said corporation in the same manner as township assessments are taken, and make returns thereof to the council en or before the third Monday of April in each year."

Sec. 5. That section fourteen of said act be amended so as to read as follows.

Power of president & trustees.

"Sec. 14. The president and trustees of said village shall have power to acquired hold land, in one or more parcels, not exceeding in all five acres, upon which they may erect a town hall and engine house construct a village pound, make public grounds, and fence and framement the same. : All meetings of said village, for the election of officers and for any other purpose, shall be called by the president, or

tings; how

rubile mee- in case of his death or absence, then by the trustees, by posting up printed or written notices thereof in at least three public places in said village, at least six days before the time of holding said meeting, specifying the time and place of such meeting, and the purpose for which it was called; and all persons residing in said village who are qualified electors under the constitution of this State, shall be entitled to vote at all meetings. The president and trustees shall make out a tax roll in the usual form of township tax rolls, and the president of the village shall attach thereto his warrant, under his hand and seal, directing the treasurer of of said village to collect the same in the manner prescribed for the collection of township taxes, and in the time prescribed by the village by-laws."

Tax rolls.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 12, 1853.

No. 57.

AN ACT to amend sections two, twenty-seven, thirty-nine and forty of an act entitled "an act to provide for the formation of compar nies to construct plank roads," approved April 8, 1851.

Sec. 2 of act No. 155, amended.

SECTION 1. The People of the State of Michigan enact, That seetion two of an act to provide for the formation of companies to comstruct plank roads, approved April eight, eighteen hundred and fifty. one, be so amended that the same shall read as follows:

Articles of ssociation.

"Sec. 2. Each subscriber to such articles of the associations shall. subscribe thereto his name and place of residence, and the number of shares of stock taken by him in such company. of association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State; and thereupon, the persons who have so subscribed; and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles; and as such shall be capable of suing and being sued in all courts and in all man-Powers. ner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant or otherwise, and holding any lands, tenements and hereditaments necessary to be used in the construction, repair and preservation of such road, and the erection of toll gates and houses thereon, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges and be subject to the provisions contained in chapter fifty-five of the revised statutes of eighteen hundred and forty-six, entitled "general provisions relating to corporations," as far as the same shall be applicable and not inconsistent with the provisions of this act; and in addition to the powers in this act otherwise granted to companies organized of formed under this General act, any such company shall have the following powers under the conditions herein prescribed:

- "1. For the purpose of providing means for the construction and completion of any plank road authorized to be built by any such company, and its building and equipments, any such company may issue its corporate bonds or obligations, not exceeding in the aggregate one-half of the capital stock of such company, in such form as it may deem proper, payable at such time and places in this State, upon such terms, and with such rates of interest, (not exceeding ten per cent. per annum,) as the board of directors of such company may determine, with the approval of the owners of a majority of the stock of such company: Provided, No such bond or obligation shall be issued for a less sum than one hundred dollars:
- "2. Any such company may sell, dispose of, or negotiate such bonds or obligations, either within or without this State, at such rates, for such prices, and on such terms as such company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of, or negotiated at a discount, such sale, disposal or negotiation shall be as valid and effectual as if such bonds or obligations had been sold, disposed of, or negotiated at their par value;

and such bonds or obligations shall be valid and binding, as a security for the whole sum, payable by the terms thereof, in the same manner as if the same had been sold, disposed of, or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company:

"3. For all or any of the purposes aforesaid, any such company may create and issue shares a guarantied stock, to be denominated 'construction stock.' to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such company allowed by law; which construction stock shall be entitled to such dividends, and be payable at such place, and in such manner, and with such preferences or priority over the remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shall be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting, called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of such company: Provided, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through __ which such road may pass, in which a newspaper is then published; and if no newspaper shall then be published in any of said counties, then in some newspaper published in the city of Detroit."

Bootion 27 amended. Sec. 2. That section twenty-seven of said act be and the same is hereby amended so that the same shall read as follows:

May use highway by consent of cort'n townskin officers

"Sec. 27. Any plank road company which shall be organized, under this act, is hereby authorized to enter upon, take and use any public highway on the route of said plank road, and to construct thereon or any part thereof, their plank road, with all necessary fixtures and appurtenances: *Provided*, The consent of the supervisors,

highway commissioners, or commissioners and township clerk, or a majority of them in each town through which such road passes. or instead thereof the consent of a majority of the freeholders residing on that part of the highway so to be taken, shall be first obtained; and such company, during the construction of such plank road, shall in no wise unnecessarily obstruct or prevent travel on such highway."

Sec. 3. That the thirty-ninth section of said act shall be amended section so that, as amended, said section shall read as follows, viz:

"Sec. 39. On or before the first Tuesday of January in each year, Roser it shall be the duty of the board of directors of any such company rectors to render a report to the Auditor General, verified by the oath of Auditor any two of such directors, setting forth the length of road completed, the cost of constructing their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much of the same is paid in, and how much expended, the whole amount of earnings, and how much expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual nett profits of said company for the preceding year."

Sec 4. Section forty of said act shall be amended so that said section 4 section, as amended, shall read as follows, viz:

"Sec. 40. Each and every plank road company formed under this Annual to act, shall pay to the treasurer of the State of Michigan, an annual whom pe ax at the rate of five per cent on the nett profits of said company for the year preceding the day on which the report, in the ninth section of this act mentioned, shall be made; which tax shall be paid on the first Tuesday of January, in each year, and shall be estimated upon the last preceding report of said company, and said Stateax shall be in lieu of all other taxes upon the property of said company."

[No. 59.]

AN ACT to complete the judicial organization of the State.

Cortain counties in cluded in the 3d and Sth judicial circuits. SECTION 1. The People of the State of Michigan enact, That the third judicial circuit shall, in addition to the county of Wayne, include, the counties of Cheboygan and Emmet; and the eighth judicial circuit shall, in addition to the counties now included in it, also include the counties of Oceana, Newaygo, and Grand Traverse.

Duty of judge relative to terms of circuit court.

Sec. 2. The circuit judge of the third circuit is hereby required, within twenty days after the passage of this act, to appoint the times of holding the terms of the circuit courts in the counties of Cheboygan and Emmet, and to cause notice thereof to be published in the Northern Islander, a newspaper published in the county of Emmet, and also to transmit to the clerks of each of said counties a copy of such notice, which shall be filed and preserved by such clerk.

This.

Sec. 3. The circuit judge of the eighth circuit is hereby required, within twenty days after the passage of this act, to appoint the times of holding the terms of the circuit courts in the counties of Oceana, Newaygo, and Grand Traverse, and to cause notice thereof to be published in the Grand Rapids Enquirer, a newspaper published in the city of Grand Rapids, and to transmit to the clerks of each of said counties a copy of such appointment, which shall be filed and preserved by such clerks.

. Jariedicti'n. Sec. 4. The circuit courts shall have the same jurisdiction to hear, try, and determine causes now pending or hereafter commenced, as if said counties had been added to said circuit at the time of organizing the same respectively.

Sec. 5. This act shall take effect immediately.

Approved February 12, 1853.

[No. 59.]

AN ACT to amend section six of an act to continue for a limited time the charter of the Farmers' and Mechanics' Bank of Michigan.

Sec. 6 of act No. 124 of 1849, amended. SECTION 1. The People of the State of Michigan enact, That section six of an act to continue for a limited time the charter of the Farmers' and Mechanics' Bank of Michigan, approved March twenty-

fourth, one thousand eight hundred and forty-nine, be and the same is hereby amended so as to read as follows:

"Sec. 6. The said bank shall pay the State Treasurer, by the first state tax-day of March of the present year, and on or before the second Monday in January of each year hereafter, during its corporate existence, one per cent. on its entire circulation, which shall be in lieu of all other taxes, to be ascertained by the amount of stock deposited with the State Treasurer: *Provided*, That in no case shall said bank pay said tax on a less amount than one hundred thousand dollars; and all real estate owned by said bank shall be taxed as other property in the several townships, cities, and villages where the same may be situated."

Sec. 2. This act shall take effect immediately. Approved February 12, 1853.

No. 60.]

AN ACT relative to the Univerity Interest Fund.

SECTION 1. The People of the State of Michigan enact, That the Auditor General be required to credit the University Fund with the Duty of entire amount of the interest that has accrued since the thirty-first to interest day of December last, and that may hereafter accrue, upon the whole on university lands sold, or that may be hereafter sold, and to draw his warrant upon the State Treasurer, which he is hereby required to pay to the treasurer of the University, upon his application therefor, from time to time, as the said interest so credited may accrue and be received.

Sec. 2. This act is hereby limited in its operations to the period of Limitation. two years from and after the thirty-first day of December, eighteen hundred and fifty-two.

[No. 61.]

AN ACT supplementary to an act to provide for the construction of a ship canal around the falls of St. Mary's, approved February fifth, eighteen hundred and fifty-three.

Commissioners appointed under act of Feb. 5, 1853 authorized to remit texes in cer

Section 1. The People of the State of Michigan enact, That the commissioners appointed under an act to provide for the construction of a ship canal around the Falls of St. Mary's, approved February fifth, eighteen hundred and fifty-three, are hereby authorized, in case they shall find it is impracticable to let the contract for the construction of said canal, on terms which will secure its completion according to the provisions of said act, in their discretion, to contract that any taxes to be assessed on the lands donated for that purpose, shall be remitted to the person or persons taking such contract, for a period not exceeding five years from the time fixed for the completion of said canal: Provided, That when any of said lands shall be sold by the contractors to any other persons, the same shall thereafter be subject to taxation as in other cases.

Previso.

Sec. 2. For the purpose of carrying out the provisions of the foregoing section, the Auditor General is hereby required, upon satisfactory evidence that any of said lands are held by such contractors, and have not been sold by them, to receipt the amount of any such taxes assessed within the period fixed upon in such contract, and returned to his office for non-payment, and to charge the amount thereof to the general fund: *Provided*, That the amount so charged to the general fund may be reimbursed to the State from tolls upon said canal, in such manner as shall be provided by law, in case said amount shall not be resimbursed by the United States government.

Brevise.

This act shall take effect immediately.

Approved February 12, 1853.

[No. 62.]

AN ACT to amend act number ninety (90) of the session laws of eighteen hundred and fifty-one (1851) entitled an act to incorporate the village of Mount Clemens, approved April fourth (4th,) eighteen hundred and fifty-one, (1851.)

SECTION 1. The People of the State of Michigan enact, That secme. 39 of tion eleven (11) of act number ninety (90) of the session laws of eighteen hundred and fifty-one, (1851,) be and the same is hereby

amended by adding after the word "warrant," in the twentieth line. "said warrant may be renewed from time to time as the village council shall direct;" and by inserting after the word village, in the twenty-third line, the words "except for the purpose of purchasing fire engines and the necessary apparatus for extinguishing fires;" also by inserting after the word year, in the twenty-ninth line, the words "except in the case of the purchase of fire engines and apparatus;" so that said section, when amended, shall read as follows, viz:

"Sec. 11. It shall be the duty of the council, once in each and Duty of every year, and immediately after the assessors have assesseed the active to real and personal estate lying and being in said village, to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands roll to be d and seals of said president, recorder and trustees, or a majority of me them, directed to and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite to their respective names, as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such Proc sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, Perand directing him to pay such money, when collected, to the treasurer of said village, by a certain day to be named therein, not less than forty days from the date of said warrant; and said warrant may be renewed from time to time as the village council shall direct: Provided, That the village council shall not in any one year raise by tax Power of a sum exceeding two and one-half mills on a dollar of the assessed tive warm valuation of real and personal property in the said village, unless the electors thereof shall, in legal meeting assembled, authorize a larger sum to be raised: And provided further, That the council shall not create a debt against the corporation greater in any one year than the amount of tax'they are authorized to raise for such, except in the case of fire engines and apparatus: And provided further, Said council shall be and are hereby authorized to call special meetings of the electors

of the village for the purpose of taking a vote of such electors as to raising a larger sum than the council can by this act raise."

Sec. 2. That the following be added to stand as a new section, viz:

President d trustees may levy capitation tax. "Sec. 20. It shall and may be lawful for the president and trustees of said village, at any regular meeting in council assembled, to levy a capitation tax upon every qualified voter residing in the said village: Provided, That such tax shall not in any one year exceed the sum of seventy-five cents on each person to be so taxed, and the said poll tax collected in the same manner as taxes upon the personal property as prescribed in the act to which this is amendatory."

This act shall take effect immediately.

Approved February 12, 1853.

[No. 63.]

AN ACT supplementary to an act entitled "an act relative to surplus funds in the State Treasury," being house bill of present session number seventy-three.

Act No. 46 of 1853, SECTION 1. The People of the State of Michigan enact, That an act entitled "an act relative to surplus funds in the State Treasury," be amended by striking out of the fifth line of section one, the word "five," and inserting the word "one," to come in next before the words "per cent per annum;" so that the same as amended shall read as follows, viz:

Relative to depository of surplus funds in State Treasury. "SECTION 1. The People of the State of Michigan enact, That the State Treasurer be and he is hereby instructed to require of any bank, before he shall make it a depository of surplus funds belonging to the State, good and ample security, to be approved by the State Treasurer, Auditor General and Secretary of State, for the safe keeping and reimbursement of such surplus funds when called for, and the payment of interest thereon at the rate of not less than one per cent per annum."

[No. 64.]

AN ACT to incorporate the village of Hudson.

SECTION 1. The People of the State of Michigan enact, That all Boundaries that tract of country situate in the township of Hudson, in the country of Hudson. of Lenawee, and distinguished and designated on the plats in the land office of the Monroe district, as the south half of section eighteen, and the north half of section nineteen, in town seven south and range one east, be and the same is hereby constituted a town corporate, by the name of the village of Hudson.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at tion of offithe school house on the west side of the river, in said village, on the held, &c. first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices for one year, and until their succes- Term. sors are elected and qualified: Provided, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen, viva voce, by the electors present, two cers to be judges and a clerk of said election, each of whom shall take an oath voce, at first or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, certify the result in the same manner that the common council are required to do by this act; and all subsequent elections shall be held in said village, and superintended by the president, elections recorder, and one or more of the trustees: And further, That at all elections the polls shall be opened between the hours of nine and ten Time of o'clock in the forenoon, and shall continue open until three o'clock of

in the afternoon of the same day, and no longer, and that the name of each elector voting at such election shall be written in a poll list to be kept at such election by the officer or officers holding the same, and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy. unopened, so many of the ballots as ahall amount to the excess; and if two or more ballots are found, rolled or folded up together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forencon of the next day after the said election; at which last mentioned period. the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes.

Canvass.

Duty of recorder relative to anmual and special elections.

Sec. 4. It shall be the duty of the recorder of said village to give five days' public notice, in writing, in three public places, in said village, of the time and place of holding all elections, both annual and special in said village, and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified, as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation before any justice of the peace for said county of Lenawee, to support the constitution of the United States, and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

so that no election shall be had, a new election shall be held.

Duty of president and recorder. Sec. 5. It shall be the duty of the president to preside at all the meetings of the village council, and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

Sec. 6. The president, recorder and trustees of said village shall Incorporabe a body corporate and politic, with perpetual succession, to be known tion. and distinguished by the name and title of "the common council of the village of Hudson." and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answer-Powers of ing and being answered unto, and of defending and being defended council. in all courts of record and any other place whatsoever; and may have a common seal, and may alter and change the same at their pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for the use of said corporation.

Sec. 7. The inhabitants of said village shall be liable to the oper-Inhabita ation of any and all laws relating to township government, except so liable to opfar as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof, and also so far as relates to the sale and vending of spirituous liquors in said village.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the "common council of the village of Hudson," and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, when and or in his absence, the recorder may appoint; and the common council where held. shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members Penaly for thereof, at any such meeting; and also to require the attendence of ance. any officer by them appointed, and to impose fines for non-attendence: Provided. No such fine shall exceed five dollars for one offence.

Sec. 9. In case of the death, resignation, removal of the president, recorder, or any of the trustees, or other officers elected by the vacancies; freemen of said village, such death, resignation or removal stall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order by a public notice to be posted up in three public places in said village, that an election will be held by the freemen of said village to elect a

suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as is hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Powers of common council relative to vacancies. Sec. 10. The common council shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices so often as the same shall occur by death, resignation, removal, or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Security required for michful dis charge of duty. Sec. 11. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts in them as the common council shall direct and require.

General powers of common council.

Sec. 12. The common council shall have full power and authority to appoint a marshal and all other officers necessary under the provisions of this act for said village, whose elections not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the said common council shall have power to make bylaws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same; and for the punishment, by fine, of all persons occasioning the same; to construct sewers and resivors; to license all showmen; to suppress all games of chance or hazard; to compel the owners of all buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative to calling of meetings of the electors of said village, relative to the keeping and sale of gun powder in said village; relative to restraining of swine, horses, and other animals from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to sup-

press billiard tables, and all other gaming tables kept for hire, gain, or reward in said village; and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly and bad houses: Provided always, Such by-laws shall not be repugnant to the constitution and laws of the United States or of the State of Michigan: And provided also, The no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of Lenawee, or by written notices posted up in three of the most public places in said village.

Sec. 13. The common council shall have power to make all such by- By-laws and laws and ordinances as shall be necessary to secure said village, and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all by-laws and ordinances, as to them shall seem necessary, for the safety and good government of said village, and the inhabitants thereof, and to impose all fines, penalties, or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

Sec. 14. The common council shall have full power to prevent the Powers of vending of liquors in any place in said village, not duly authorized; common to regulate the measuring of fire-wood and the weighing of hay, and tive to rending liquors, to prescribe and designate the stand for carters and carts, and for wood, hay, and produce, exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent incumbering of the streets, side-walks, alleys, or public grounds or squares, and to regulate all grave-yards and burial of the dead for said village.

Sec. 15. The common council shall have authority to lay out and establish, open, make, and alter, such streets, lanes and alleys, side-powers of walks, highways, water-courses and bridges, within the limits of council rela said village, as they may deem necessary for the public convenience; ing of high and if, in doing thereof, they shall require, for such purposes, the grounds of any person, they shall give notice thereof to the owner or

and such bonds or obligations shall be valid and binding, as a security for the whole sum, payable by the terms thereof, in the same manner as if the same had been sold, disposed of, or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company:

"3. For all or any of the purposes aforesaid, any such company may create and issue shares a guarantied stock, to be denominated 'construction stock,' to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such campany allowed by law; which construction stock shall be entitled to such dividends, and be payable at such place, and in such manner, and with such preferences or priority over the remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shell be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting, called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of such company: Provided, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published; and if no newspaper shall then be published in any of said counties, then in some newspaper published in the city of Detroit."

Bootles 27 amended. Sec. 2. That section twenty-seven of said act be and the same is hereby amended so that the same shall read as follows:

May use highway by consent of cort'n town-

"Sec. 27. Any plank road company which shall be organized, under this act, is hereby authorized to enter upon, take and use any public highway on the route of said plank road, and to construct thereon or any part thereof, their plank road, with all necessary fixtures and appurtenances: Provided, The consent of the supervisors,

highway commissioners, or commissioners and township clerk, or a majority of them in each town through which such road passes, or instead thereof the consent of a majority of the freeholders residing on that part of the highway so to be taken, shall be first obtained; and such company, during the construction of such plank road, shall in no wise unnecessarily obstruct or prevent travel on such highway."

Sec. 3. That the thirty-ninth section of said act shall be amended section so that, as amended, said section shall read as follows, viz:

"Sec. 39. On or before the first Tuesday of January in each year, Roard it shall be the duty of the board of directors of any such company rector to render a report to the Auditor General, verified by the oath of Auditor any two of such directors, setting forth the length of road completed, the cost of constructing their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much of the same is paid in, and how much expended, the whole amount of earnings, and how much expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual nett profits of said company for the preceding year."

Sec 4. Section forty of said act shall be amended so that said section section, as amended, shall read as follows, viz:

"Sec. 40. Each and every plank road company formed under this Annual to act, shall pay to the treasurer of the State of Michigan, an annual when P mx at the rate of five per cent on the nett profits of said company for the year preceding the day on which the report, in the ninth section of this act mentioned, shall be made; which tax shall be paid on the first Tuesday of January, in each year, and shall be estimated upon the last preceding report of said company, and said Stateax shall be in lieu of all other taxes upon the property of said company."

Citizens of village; when not deemed incompetent witnesses.

Sec. 19. In all processes, prosecutions, and other proceedings. wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness. on account of the interest of such citizen in the event of such process or proceedings: Provided, That such interest be only that which exists in common with the citizens of said village.

Sec. 20. Whenever any action or suit shall be commenced against against cor- said corporation, process against said corporation shall be served by how served leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: Provided, The first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

Power of common itation tax, and tax on real & pererty. Proviso.

Sec. 21. The common council shall have power and authority to council relative to capture to ca village, and also taxes on all real and personal property within the sonal prop. limits of said village, necessary to defray the expenses thereof: Provided. That the said taxes so assessed and collected shall not exceed in any one year one half of one per centum upon the valuation of said real and personal property; and every assessment of tax lawfully imposed or laid by the said common council on any lands, tenements and hereditaments or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments from the time of making such assessment or imposing such tax, until paid; and the owners or occupants, or parties in interest, respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such owner, occupant or lessee: Provided, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least one month; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be enti-

tled to a deed for said land; and if the person claiming title to said lands described in the sale, shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum, from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be prima facia evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, and acknowledged by witnesses, and recorded in the usual form, may be given in evidence, in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold according and in such manner as the common council may direct.

Sec. 22. Whenever the assessors of said village shall have comple- patr of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in any newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when and place where they will meet to hear the objections of any persons interested to the valuation so made by them, the said assessors shall meet, and on the application of any person considering him or herself aggrieved, may review and reduce the said valuation on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors at any time within ten days thereafter to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce said valuation.

Duty of common conneil rela

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tive to taxes. tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Sec. 24. All moneys to be raised by tax in said village, shall be Taxes collected; how collected and paid over by the marshal, to the treasurer of said village, at such time and under such regulations as shall be prescribed by the ordinances of the common council.

Power of council.

Sec. 25. The common council shall have power to appoint one or more street commissioners or other officers, to superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, side-walks, highways or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such streets, or making such side-walks, to be assessed on lots or premises adjoining such improvements, or by general assessment or otherwise, as they may direct.

Power of council re lative to fire companies,

Sec. 26. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with the proper engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: Provided, Such number does not exceed fifty, in the management of one engine; and each fire, hose, and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council; and may impose and collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to

such company shall obtain from the recorder of said village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries and working a poll tax on the highways or streets of said village; and it shall be the duty of every fire company to keep in good and perfect repair, the fire engine, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other implements with a view to their perfect order and repair.

Sec. 27. Upon the breaking out of any fire in said village, the Duty of marshal shall immediately repair to the place of such fire, and aid case of fire. and assist as well in extinguishing said fire as in preventing any goods from being stolen, and also, in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Sec. 28. This act shall be deemed a public act, and take effect and be in force from and after its passage.

Approved February 12, 1853.

[No. 65.]

AN ACT to provide for the re-survey of the public highways in the township of White Pigeon, in the county of St. Joseph.

SEC. 1. The People of the State of Michigan enact, That it shall be the duty of the commissioners of highways of the township of White Pigeon, in the county of St. Joseph, to cause a re-survey of all the public highways in said township to be made as near as may be ascertained on the original routes of said highways, and the minutes of such survey to be recorded in the township clerk's office of said township, together with all the records of said highways and every thing pertaining thereto.

Sec. 2. This act shall take effect and be in force from and after its passage.

No. 66. |

AN ACT prohibiting the manufacture of intoxicating beverages and the trafic therein.

Prohibition.

SECTION 1. The People of the State of Michigan enact, That no person shall be allowed to manufacture or sell at any time, by himself, his clerk, servant or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, except as hereinafter provided.

Sec. 2. The township board of every organized township, or a majority of them, and the village board or common council of every ent; osen incorporated city or village, on the first Monday of October annually, or as soon thereafter as may be convenient, may appoint some suitable person as the agent of said township, city or village, to self at some central or convenient place within said township, city or village, spirits, wines, or other intoxicating liquors, to be used for mechanical and medicinal purposes, and no other. And said agent shall receive such compensation for his services, as the said board or Compensalegal authority appointing him shall prescribe, and shall, in the sale of such liquors, conform to such rules and regulations as the said township board, or a majority of them, or said village board or common council shall prescribe for that purpose. And such agent, ap-Term of appropriate as aforesaid, shall hold his situation for one year, or until his successor be appointed, unless sooner removed by the authority from which he may have received his appointment: as he may be, at any time at the pleasure of said board or legal authority appointing him, as the case may be.

Sec. 3. Such agent shall, before entering upon the duties of such agency, deliver to said township or village board, or common council, a bond, with two good and sufficient sureties, in substance as fol-"Know all men, that we, as principal, and as sureties, are holden and stand firmly bound to the inhabitants of the township of (or to the president and trustees of the , or to the mayor and alderman of the city of as the case may be,) in the penal sum of dollars, to which payment we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals,

The condition of and dated this day of . A. D. this obligation is such, that whereas the above bounden has been duly appointed an agent for the township, city or village of to sell within, and for, and on account of said township, (city, or village,) intoxicating liquors for medicinal and mechanical purposes, and no others, until the day of , A. D. , unless sooner removed from such agency: Now if the said shall in all respects conform to the provisions of the law relating to the business for which he is appointed, and to such rules and regulations as now are, or shall be, from time to time established by the board (or counoil) making the appointment, then this obligation to be void, other-Manuform wise to remain in full force." The boards of supervisors of the of alcoholy several counties, on the next Wednesday after the second Monday of ized. October, annually, may authorize suitable persons, in writing, to manufacture alcohol for medicinal and manufacturing purposes, at suitable places within their counties, to be exported out of the State; and such authority given as aforesaid, shall continue for the space of one year from the date thereof, unless sooner revoked and annulled as hereinafter provided. Every person, so authorized, shall receive a certificate from the supervisors, giving him authority to manufacture alcohol, as aforesaid, for medicinal and mechanical purposes, at such place as shall be precisely designated; but no such authority shall be granted or renewed in any subsequent year, unless the electors of the town, city or village, in which the proposed location is situated, by a vote of two-thirds of those present at their next preceding annual election, shall request the board of supervisors to locate such manufactury within their bounds; and said certificate shall not be delivered by said board, until he shall have executed and delivered to said board a bond, with three good and sufficient sureties, in the sum of two thousand dollars, to be approved by said board, in substance was as follows : "Know all men that we , as principal, and as sureties, are held and firmly bound to the board of supervisors of , in the State of Michigan, and to their successors in office, in the penal sum of two thousand dollars, and assigns, to which payment we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. Sealed with our seals, and dated this day of , in the year of our Lord

one thousand eight hundred and fifty The condition of this obligation is such, that whereas, the above bounden . has been by the said board of supervisors duly authorized to manufacture alco-, in said county, for medicinal and manufacturhol in the ing purposes, for exportation out of the State of Michigan, as provided in a law entitled an act prohibiting the manufacture of intoxicating beverages and the trafic therein: Now, therefore, if the above bounden , shall, in all respects, conform to the provisions of said act, and shall, in good faith, export out of the State the whole of the alcohol which he shall manufacture, as aforesaid, and shall not, under any pretext whatever, sell any of the same within the State, then this obligation to be null and void, otherwise to remain in full force and virtue." All penalties received for violations of the autho-Penalties re-ceived for violation, rity given by the board of supervisors, as aforesaid, on said bonds, shall be apportioned by said board to the several town libraries. disposed of The several towns, cities, and villages in this State, may, at their annual elections, at twelve o'clock at noon, by a vote of two-thirds of the electors present, raise such sum of money as they may deem necessary to purchase alcohol and spirituous liquors, for medicinal and manufacturing purposes, and to pay the agent, who shall have a specific sum for his services; and it shall be the duty of the agent to keep an account of purchases and sales, which shall state the dates, names of purchasers, quantity and description of liquor, and for what purpose to be used as stated by the purchaser, which account shall, at all times, in ordinary business hours, be open to the inspection of the electors; and the said agent shall not sell any more or other liquors than are owned by the town, city, or village. If any person shall wilfully make false representations to procure liquor for the use of another person, he shall be subject to a penalty of five dollars.

Duties of agent.

Sec. 4. If any person by himself, clerk, servant, or agent shall at any time sell any spirituous or intoxicating liquors, or any mixed liquors, part of which are intoxicating, in violation of the provisions of this act, he shall forfeit and pay on the first conviction ten dollars and the costs of prosecution, and shall stand committed until the same be paid. On the second conviction under this act, he shall forfeit and pay twenty dollars and the costs of presecution, and shall stand com-

mitted until the same be paid. On the the third, and every subsequent conviction under this act, he shall pay twenty dollars and the costs of prosecution, and shall be imprisoned in the common jail of the county not less than three months nor more than six months, and in default of the payment of the fines and costs prescribed by this section, for the first and second convictions, the person or persons so convicted, shall not be entitled to the benefit of the provisions of chapter one hundred and forty-two of the revised statutes of eighteen hundred and forty-six, until he shall have been imprisoned two months; and in default of payment of fines and costs provided for the third and every subsequent conviction, he shall not be entitled to the benefit of the provisions of said chapter one hundred and forty-two of the revised statutes of eighteen hundred and forty-six, until he shall have been imprisoned four months. And if any clerk, servant, agent, or other person in the employment or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction, shall suffer the same penalty above prescribed.

Sec. 5. Any forfeiture or penalty arising under the above section Ibid. may be recovered by an action of debt before any justice of the peace, or judge of any municipal or police court, in the county where the offence was committed. And all moneys recovered for a viola- Penalties: tion of this section, or any other provision of this act, shall be paid how approinto the treasury of the township, city or village where the offence was committed, and shall be appropriated to the support of the township library in such township, city or village. And the prosecutor Prosecutor may be admitted as a witness on the trial. And it shall be the duty may be admitted as of the common council of any city, the village board of any incorporated village, and the supervisor of any township, to commence an Duttee of action according to law, in the name of the people of the State of authorities, Michigan, against any person guilty of a violation of any of the provisions of this act, on being informed of the same, and being furnished with the proof of the fact by the oath or affidavit of any creditable person, and any person resident in such township, city or village may institute a suit for any such penalty or forfeiture, in the name of the people of the State of Michigan, in the manner aforesaid.

Appeals.

Recogni-

Appetion.

Sec. 6. If any person shall claim an appeal from a judgment so rendered against him by such judge or justice of the peace, on the trial of any such action, he shall first enter into a recognizance to the people of the State of Michigan, in the sum of one hundred dollars, with two good and sufficient sureties, in any case so appealed, to prosecute his appeal to effect in the proper court to which it is taken, and to pay all costs that may be awarded against him upon a final disposition of such suit; and before his appeal shall be allowed, he shall also in every case, give a bond, with two other good and sufficient sureties, satisfactory to the judge or justice who tried the case, running to the people of the State of Michigan, in the sum of two hundred dollars, that he will not, during the pendency of such appeal, violate any of the provisions of this act. And no recognizance or bond shall be taken in cases arising under this act, except by the justice or judge before whom the trial was had; and if the recognizance and bond mentioned in this section shall not be given within five days after the judgment, the appeal shall not be allowed, the defendants in the meantime to stand committed.

Sec. 7. The common council of any city, the village board of any Notification incorporated village, and the supervisor or any justice of the peace of any township, wherever complaint shall be made to them that a breach of the conditions of the bond given by the person appointed under this act, has been committed, shall notify the person complained of; and if, upon the hearing of the parties, it shall appear that any breach has been committed, they shall revoke and make void his appointment. And whenever a breach of any such bonds shall be made known to such common council, village board, or the supervisor, or any justice of the peace of such township, or shall in any manner come to their knowledge, they or some one of them shall, at the expense and for the benefit of such city, village or township, cause the bond to be put in suit in any court competent to try the same, and whenever a breach of any other bond or recognizance given to the people of this State, in pursuance of the provisions of this act, shall be made known to the prosecuting attorney or the board of supervisors, or any one of them, of the county where such bond or recognizance was given, they, or some one of them shall, at the expense and for the use of said county, cause such bond or recognizance to be put in suit in any court competent to try the same, and all moneys recovered in any such suit shall be paid into the treasury of such county for the support of the poor therein.

Sec. 8. No person shall presume to be a manufacturer of any spir-Penalties for ituous or intoxicating liquors, or a seller thereof, without being duly appointed, on pain of forfgiting on the first conviction the sum of one hundred dollars and costs of prosecution; and in default of the payment thereof, the person so convicted shall be imprisoned sixty days in the common jail of the county; and on the second conviction, the person so convicted shall pay the sum of two hundred dollars and costs of prosecution, and in default of payment, shall be imprisoned four months in the common jail of the county; on the third and every subsequent conviction, the person so convicted shall pay the sum of two hundred dollars, and shall be imprisoned four months in the common juil of the county where the offence was committed; said penalties to be recovered before any court of competent jurisdiction, by medictment or by an action of debt, in the name of the people of the State of Michigan. And whenever a default shall be had of any recognizance arising under this act, scira facias may be issued returnable at the next term of a court of competent jurisdiction in the county, and the same shall not be continued, unless for good cause, satisfactory to the court.

Sec. 9. All cases arising under this act, whether by action or indietment, which shall come before any court of record. on appeal or der this act to take preotherwise, shall take precedence in said court of all other business, oddence, &c. except those criminal cases in which the parties are actually under arrest and awaiting a trial; and no nolle prosequi shall be entered Nolle prose without a statement in writing first placed on file by the prosecuting quiattorney and signed by him, showing reasons satisfactory to the court, for ordering the same to be entered; and no continuance shall be granted excepting where the applicant therefor shall show to the Continuancourt by affidavit placed on file, that such continuance is required for the purposes of justice.

Sec. 10. If any three persons, legal voters in the township, city or village, where the complaint shall be made, shall, before any justice of the peace or judge of any municipal or police court, make complaint under oath or affidavit, that they have reason to believe, and rant in cer-

Seizures.

do believe, that spirituous or intoxicating liquors are kept or deposited, and intended for sale by any person not authorized to sell the same in said township, city or village, under the provisions of this act, in any store, shop, werehouse or other building, or place in said Search war- township, city or village, said justice or judge shall issue his warrant of search, which warrant shall describe the place to be searched dings there- and the article or articles to be seized, to any sheriff, city marshal, or deputy, or to any constable, who shall proceed to search the premises described in said warrant, and if any spirituous or intoxicating liquors are found therein, he shall seize the same and convey them to some proper place of security, where he shall keep them until final action is had thereon. But no dwelling house in which, or in part of which, a shop is not kept, shall be searched, unless at least one of said complainants shall testify to some act of sale of intoxicating liquors therein, by the occupant thereof, or by his consent or permission, within one month before the time of making said complaint: Provided, Such warrant shall describe the place to be searched And the owner or keeper of liquors and the article to be seized. seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned to appear forthwith before the justice or judge by whose warrant the liquors were seized; and if he fails to appear, or unless he can show by positive proof that said liquors are of foreign production, that they have been imported under the laws of the United States, and in accordance therewith, that they are contained in the original package in which they were imported, and in quantities not less than the laws of the United States prescribe, or were at the time when seized legally held, and for lawful purposes, they shall be declared forfeited, and shall be destroyed by authority of the written order to that effect, of said justice or judge, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom they shall have been destroyed, in attesting the fact upon the back of the order by authority of which it was done; and the owner or keeper of such liquors, provided he shall have been duly summoned to appear, shall pay a fine of twenty dollars and costs, or stand committed for thirty days, if it shall appear that such liquors had by him been kept or deposited for the purpose of sale.

And if the owner or possessor of any liquors seized in pursuance of this section, shall set up a claim that they have been regularly imported under the laws of the United States, and that they are contained in the original packages, the Custom House certificate of importation, and proof of marks on the casks or packages, corresponding thereto, shall not be received as evidence that the liquors contained in said packages are those actually imported therein.

Sec. 11. If the owner, keeper or possessor of liquors seized under Ibid. the provisions of this act be unknown to the officer seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages, as near as may be, for two weeks by posting up a written description of the same in at least five public places in the town, city or village where they were seized; and if such liquors are actually the property of any township, city or village in the State, and were so at the time of the seizure, purchased for sale by the agent of said township, city or village, for medicinal and mechanical purposes only, in pursuance of the provisions of this act, they may not be destroyed; but upon satisfactory proof of such ownership within said two weeks, before the justice or judge by whose authority said liquors were seized, said justice or judge shall deliver to the agent of said township, city or village an order for the same, directed to the officer having said liquors in custody, whereupon said officer shall deliver them to said agent, taking his receipt therefor upon the back of said order, which shall be returned to said justice or judge.

Sec. 12. Any person claiming any liquors seized as aforesaid, may Appeals unappeal from the judgment of such judge or justice of the peace, to the der circuit court of the county where the same was rendered; or if in the Upper Peninsula of this State, to the district court; but such judgment shall not be in any way affected by such appeal until the appellant shall give a bond in the sum of two hundred dollars, with two good and sufficient sureties, satisfactory to such judge or justice, to prosecute his appeal to effect, and to pay all costs which may be awarded against him; and on the giving of such bond, which shall run to the people of the State of Michigan, the said order or judgment of such judge or justice shall not be executed; provided such bond be delivered to and approved by said judge or justice within three days

from the time of making and entering such order or judgment; and on such bond being so given and approved, such judge or justice shall within ten days thereafter make return to such circuit or district court of the proceedings had before him, with copies of such complaint, warrant and return thereto, of the claim put in, and of his judgment or order in the case, and shall in making such return conform to the provision of law relative to returns to be made on appeals from the judgment of a justice's court, so far as the same are applicable; and the appellate court shall have the same power to compel such return as to compel the same in other cases of appeal; and on such appeal being so taken, and the return made, such circuit or district court shall have full power to hear, try and determine the same, and all questions arising in the case, and to carry into effect this act as fully as such judge or justice originally could do in the same; but nothing contained in this act shall be construed to prevent any chemist, artist or manufacturer, in whose art or trade they may be necessary, from keeping at his place of business such reasonable and proper quantity of distilled liquors as he may have occasion to use in his art or trade, but not for sale.

Duties of offloors, &c., in certain cases.

Sec. 13. It shall be the duty of any mayor, alderman, supervisor. city marshal or deputy of his, or any sheriff, under or deputy sheriff or constable, if he shall see that any intoxicating liquors are kept or sold in any tent, shanty, but or other place of any kind for selling refreshments or otherwise in any public place on or near the ground of any cattle show, agricultural exhibition, camp meeting or public occasion of any kind, to search such suspected place, and if such officer shall find upon the premises any intoxicating drink, he shall seize it and arrest the keeper or keepers of such place, and take them forthwith, or as soon as may be, before some justice of the peace, or judge of a municipal or police court, with the liquors so found and seized; and upon proof that such liquors are intoxicating, that they were found in possession of the accused, in a tent, shanty or other place aforesaid, he or they shall be sentenced to imprisonment in the county jail for thirty days, and the liquors so seized shall be destroyed by order of said justice of the peace or judge.

Sec. 14. Any person arrested under the preceding section, and sentenced as aforesaid, may claim an appeal to said circuit or district rested court; but before his appeal shall be allowed, he shall give a bond ding section in the sum of one hundred dollars, with two good and sufficient an appeal, sureties, to be approved by such justice or judge, that he will prosecute his appeal in such circuit or district court to effect, and pay all costs which may be awarded against him. And thereupon the case shall be appealed, and a return made to the circuit or district court, as provided in section twelve of this act; and the appellate court shall have the like power to hear and determine the case.

Sec. 15. In all cases of appeal under this act, from the judgment Certain of a justice or judge of any municipal or police court, to the circuit ties of pr or district court, except when the proceeding is by action of debt, this act. they shall be conducted in said court by the prosecuting attorney of the county; but no costs in such cases shall be remitted by the prosecuing attorney or the court. In any suit, indictment, or other proceeding against any person for a violation of any of the provisions of this act, other than of the first offense, it shall not be necessary to set forth particularly the record of a former conviction; but it shall be sufficient to allege briefly that such person has been convicted of a violation of the fourth section of this act, or as a common seller, as the case may be; and such allegation, in any civil or criminal process in any stage of the proceedings, before final judgment, may be amended without terms, and as matter of right.

Sec. 16. All payment or compensations for liquors sold in violation of law, whether in money labor, or other property, either real or compensa personal, shall be held and considered to have been received in vio-quors' sold lation of law, and without consideration, and against law and equity; set, render and all sales, transfers, and conveyances, mortgages, liens, attachments, pledges, and securities of every kind, which, either in whole or in part, shall have been for, on account of spirituous or intoxicating liquors so sold, shall be utterly null and void against all persons and in all cases, and no rights of any kind shall be acquired thereby; and in any action either at law or equity, touching such real or personal estate, the purchaser of such liquors may be a witness for either party; nor shall any action of any kind be had or maintained in any court in this State, for the recovery or possession of intoxica-

Proviso.

ting or spirituous liquors not lawfully held by the plaintiff at the time of seizure, and in accordance with the provisions of this act, or for the value thereof: Provided, That nothing contained in this section shall apply to any debts contracted before this act takes effect.

Penalty on ful neglect under this

Monday of June, 1853; publication dings there-

Sec. 17. If any person, whose duty it is to carry into effect any of certain per-certain per-sons for wil- the provisions of this act, shall wilfully neglect so to do, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as provided for by law.

submitted for their approval or disapproval, on the third Monday of June, in acc, of elect the year of our Lord one theread when there shall be an election held for that purpose in each of the and procee- townships, cities, and villages in this State; and it shall be the duty of the Secretary of State, immediately after the passage of this act, to transmit to the sheriff of each county in the State, a notice in writing, containing a brief statement of the contents of this act, and he shall cause a copy of this act to be published once in each week in the Lansing State Journal from the date of the notice until the election aforesaid; and the sheriff of the several counties, on receiving the notice hereby provided for, shall forthwith, in writing, notify the township clerk of each township, and one of the inspectors of election of each ward in any city or village, of such election; and it shall be the duty of the township clerks and inspectors of election of said wards receiving said notice, to give eight days notice in writing, or a printed, or partly written and partly printed notice, under their hands respectively, to the electors of the township or ward, of the time and place of holding such election, by posting the same up in at least three public places in the township or ward. The election provided for by this act shall be conducted in the same manner as by existing laws is provided for the holding of a general election, and the inspectors of said election are hereby invested with the same powers and authority as are provided by the election laws of this State for a general election.

Duties of inspectors of election.

Sec. 19. At said township, city, or village elections, a ballot box shall be kept by the several boards of inspectors thereof, for receiving the votes cast for or against said law; and on the ballots shall be written or printed, or partly written and partly printed, the words: "Adop-

tion of the law prohibiting the manufacture of intoxicating beverages and the traffic therein, Yes;" or the "Adoption of the law prohibiting the manufacture of intoxicating beverages, and the traffic therein, No."

Sec. 20. The canvass of the votes cast for the approval or disap- Canvass and proval of this law, "prohibiting the manufacture of intoxicating beverages and the traffic therein," and the returns thereof shall be made by the proper canvassing officers within the same time and in the same manner as now provided by law for the canvass and return of the votes cast at an election for Governor, as near as may be, and the returns thereof shall be made to the Secretary of State, Governor, and State Treasurer, within the time and in the manner provided by law for the election of Governor. And on the first Tuesday of August, eighteen hundred and fifty-three, the Auditor General, State Treasurer, and Secretary of State, shall meet at the Capitol, and proceed in the presence of the Governor to examine and canvass the returns of the said votes, and proclamation shall forthwith be made by the Governor of the result thereof; if it shall appear that a majority of the votes cast, have thereon, "Adoption of the law prohibiting the manufacture of intoxicating beverages and the traffic therein, Yes," this act shall become a law of the State, from and after the first day of December, eighteen hundred and fifty-three; but if a majority of the votes cast upon the question have thereon, "Adoption of the law prohibiting the manufacture of intoxicating beverages and the traffic therein, No," this act shall take effect and become a law of the State from and after the first day of March, eighteen hundred and seventy.

Sec. 21. All acts or parts of acts contravening the provisions of All acts contravening, travening, this act, are hereby repealed.

Approved February 12, 1853.

[No. 67.]

AN ACT to provide for the collection of taxes in the township of Lynn, in the county of St. Clair, for the year eighteen hundred and fifty-two, and to extend the time for the collection thereof.

SECTION 1. The People of the State of Michigan enact, That the Legality of tax roll for the township of Lynn, in the county of St. Clair, for the

year eighteen hundred and fifty-two, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the township treasurer, at the time prescribed by law.

Sec. 2. That the treasurer of said township file his bond as required by law, within five days after the reception of said roll, and before he proceeds to the collection of the taxes.

Time for collection of taxes ex-; tended.

- Sec. 3. That the time for the collection of said taxes be extended to the first day of June next, and that the said treasurer make return as provided by law in other cases, on or before the tenth day of June next.
- Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 12, 1853.

[No. 68.]

AN ACT relating to telegraph operators and others.

Penalty for wilfully divulging contents of private com municatn's.

SECTION 1. The People of the State of Michigan enact, That any person connected with any telegraph company in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents, or the nature of the contents, of any private communication entrusted to him or her for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail or work house in the county where such conviction shall be had, for a term not more than three months, or shall pay a fine not to exceed five hundred dollars, in the discretion of the court.

Sec. 2. This act shall take effect immediately.

No. 69.

AN ACT to organize the township of Auchville, in the county of

SECTION 1. The People of the State of Michigan enact, That all Township that part of the county of Huron, designated in the United States of Auchy survey, as townships fifteen and sixteen north of range nine east, and the islands and channels in front thereof, to the main entrance to Wild Fowl Bay, be and they are hereby set off from the said county and united with that part of Tuscola county, designated in the United States: survey as township fifteen north of range eight east, and that such territory be and the same is hereby organized into a township by the name of Auchville, and annexed to Tuscola county, for judichil and representative purposes, until said Huron county shall be organised, when they shall be re-annexed to Huron county for all post purposes whatsoever, and that the first township meeting shall be held at the house of Frederick Schilling.

Sec. 2. This act shall take effect immediately.

Approved February 12, 1853.

[No. 70.]

AN ACT to provide for the draining of a certain lake in the township of Springfield, Oakland county.

SECTION 1. The People of the State of Michigan enact, That the township board of the township of Springfield, Oakland county, may authorize the draining of a certain lake, known as Big Lake, in said township of Springfield: Provided, That the right of way be obtained, and all damages paid therefor, by persons interested in draining said lake.

Sec. 2. This act shall take immediate effect.

[No. 71.]

AN ACT authorizing the Auditor General to settle with and allow to the county of Kent certain moneys paid by said county on account of wolf bounties.

Duty of Auditor General relative to wolf boun-

Skorrow 1. The People of the State of Michigan exact, That the Auditor General is hereby suthorized and required to pay to the county of Kent, or credit the same in his account with said county, such sums as he shall find due and heretefore allowed and paid by said county as the State bounty for the destruction of wakes, from the year eighteen hundred and forty-six to the year eighteen hundred and fifty-three: Provided, He shall first be satisfied that the same has been duly paid by said county: And provided further, there shall be no other legal objection than a neglect to make duplicate certificates of the bounties allowed at the several meetings of the county supervisors, and of having the same duly certified by the chairman and clerk of said several boards at each meeting thereof, and of forwarding the same to the Auditor General.

Approved February 12, 1853.

[No. 72.]

AN ACT to amend section sixty-one of chapter fourteen of the revised statutes.

SECTION 1. The People of the State of Michigan enact, That section sixty-one of chapter fourteen of the revised statutes be amended so that the same shall read as follows:

"Sec. 61. The county clerk in each organized county shall be elected at the general election, for the term of two years, and shall give a bond to the people of the State, in the penal sum of two thousand dollars, to be approved by the circuit judge, for the faithful discharge of the duties of his office."

[No. 73,]

AN ACT to amend section two of an act entitled "an act to incorporate the Michigan Mining Company."

Section 1. The People of the State of Michigan enact, That section Sec. 2 of act two of an act entitled "An act to incorporate the Michigan Mining 1848, amendon, and the same shall read as follows:

"Sec. 2. The capital stock of said company shall consist of three Capital hundred thousand dollars, and be divided into ten thousand shares, of thirty dollars each."

Approved February 12, 1853.

No. 74.

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and fifty-three, in the city of Detroit, in the county of Wayne.

SECTION 1. The People of the State of Michigan enact, That the time for the collection of taxes for the year eighteen hundred and ded. fifty-three, in the city of Detroit, Wayne county, is hereby extended until the fiast Monday of March next.

Sec. 2. The collectors of the several wards are hereby authorized Duty of coland empowered to proceed and collect said taxes, as fully as they lectors. could do during the life-time of their warrants, and make their returns at any time before the first Monday in March next.

Sec. 3. It shall be the duty of the collectors, before they shall be Ibid. entitled to the benefits of this act, to pay over all moneys collected as provided by law, and to renew their official bonds to the satisfaction Benewal of bonds. of the treasurer of Wayne county.

This act shall take effect immediately.

Approved February 12, 1853.

[No. 75.]

AN ACT to provide for the transfer of the records, files, books, papers and judgments in the county courts to the circuit courts.

SECTION 1. The People of the State of Michigan enact, That from Transfer of and after the passage of this act, all the records, files, books, papers, in Co. courts to circuit and judgments, being and remaining in the several late county courts, courts.

said records, files, books, papers and judgments now are; and from and after such transfer, the said records, files, books, judgments and papers, shall be deemed and considered to be a part of the records, files, books, papers and judgments of said circuit courts respectively, for all purposes; and the said circuit courts shall be fully, authorized to issue execution upon said judgments and make all needful and proper orders and rules in reference thereto, and in reference to said records, files, books, papers and judgments, in as full and ample a manner, as if the same had always been and remained in said circuit courts. Such executions shall be issued on the appliw issued cation of the plaintiff, his agent or attorney, ten days notice being

first given to the defendant, his agent or attorney, of the intention to apply for such execution, and requiring him to show cause, if any,

feirenit

This act shall take effect immediately.

Approved February 12, 1853.

why such execution should not issue.

[No. 76.]

AN ACT to authorize the State Treasurer to receive from the General Government certain moneys arising from the sale of swamp lands, and to authorize the Commissioner of the State Land Office to take an assignment of all warrants received for any of the swamp lands sold in this State since the act of Congress, approved September twenty-eighth, eighteen hundred and fifty.

de Tres rer authoed to retive certain oneys for

Authority

Commismioner of tate Land

SECTION 1. The People of the State of Michigan enact, That the State Treasurer be and he is hereby authorized to receive from the General Government any moneys that may have been received, or that may hereafter be received for any of the swamp lands donated to this State, and that the Commissioner of the State Land Office be authorized to take an assignment of all bounty land warrants received for any swamp lands sold in this State since the act of Congress, approved September twenty-eighth, eighteen hundred and fifty, and to release the interest of the State in any lands sold or entered with said warrants to purchasers or their assigns.

Sec. 2. That in case any person, at the time of the passage of the Rights of act of Gongress, granting to the State of Michigan the awamp lands po in this State, was in actual possession of any of said lands, and had made improvements thereon, with the intention of securing a preemption right, by virtue of the laws of Congress, or in case of actual tion. purchase of the United States, his heirs, or assigns, he shall be entitled to purchase said lands at the minimum price of \$1,25 per acre, Minimum price. within one year after this act takes effect: Provided, Satisfactory evidence of such possession, improvements and intention, be filed with the Commissioner of the State Land Office before said lands are offered for sale, or before said lands are sold to any other person: And provided also, That no person shall be entitled to claim by pre-emp- of claim tion right more than one hundred and sixty acres.

Approved February 14, 1853.

No. 77.

AN ACT to amend section nine of an act entitled "an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon; and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," approved April first, eighteen hundred and forty-eight.

SECTION 1. The People of the State of Michigan enact, That sec- Act No. 178 tion nine of an act entitled "an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," approved April first, eighteen hundred and forty-eight, be amended by adding after the word "issued," in the seventh line of said section, the following: "or at any time previous, at the option of the State, when the Auditor General shall cause a notice to be given in a daily paper published in the city of Detroit, to be published for eight weeks in succession, that the said bonds, or a portion of them, (describing them by amounts, dates and numbers,) will be redeemed where payable, and all interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the

first publication of said notice." Also, by striking out the words "and shall," in said seventh line, and inserting "said bonds:" so that said section as amended will read as follows:

"Sec. 9. The stock to be issued under the provisions of the preceding section may be issued in bonds of one thousand dollars, as far as practicable; said new bonds shall be drawn payable, principal and interest, at such place in New York City as the Governor shall designate; they shall be made redeemable respectively at the time fixed for the maturity of the original part paid bond, upon the surrender of which they are issued, or at any time previous, at the option of the State, when the Auditor General shall cause a notice to be Duty of Anditor Gener- given in a daily paper published in the city of Detroit, to be published for eight weeks in succession, that the said bonds or a portion of them, (describing them by amounts, dates and numbers,) will be redeemed where payable; and all interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice; said bonds shall bear an interest of six per cent per annum, from the first day of January next after the surrender of said part paid bonds, and be payable semi-annually. on the first days of July and January thereafter, until the maturity of said bonds, or the redemption of the principal."

> Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 14, 1853.

[No. 78.]

AN ACT making appropriations for the State Normal School.

l school

SECTION 1. The People of the State of Michigan enact, That the ro- moneys arising from the swamp lands heretofore sold by the general government, not exceeding thirty thousand dollars, are hereby appropriated to the State Normal School endowment fund.

Sec. 2. The State Treasurer shall annually, for the period of two mater of years, transfer from the general fund to the Normal School interest school inte- fund, the sum of two thousand dollars; which sum is hereby appropriated to the Normal School interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.

Sec. 8. That the sum of three thousand dollars he and the same Appropriais hereby appropriated from the general fund to the Normal School tion; how interest fund; which sum may be expended in the purchase of books and apparatus, and in fencing and improving the Normal School grounds.

Approved February 14, 1853.

[No. 79,]

AN ACT to provide for an additional circuit court commissioner for the county of Wayne.

SECTION 1. The People of the State of Michigan enact, That the Authority governor may appoint an additional circuit court commissioner for of Governor to appoint the county of Wayne, who shall hold his office until the first day of al circuit January, A. D. one thousand eight hundred and fifty-five, and shall missioner. be authorized and required to discharge all the legal duties of circuit court commissioner, and shall be liable to all the provisions of law touching said office.

Sec. 2. There shall be elected at the general election to be held in Election of the county of Wayne, in the year eighteen hundred and fifty-four, circuit court and every two years thereafter, two circuit court commissioners for sioners. said county, who shall enter upon the discharge of their official duties on the first day of January succeeding their election, and hold their offices two years, and be vested with judicial powers Term. not exceeding those of a judge of the circuit court at chambers.

Sec. 3. This act shall take effect immediately.

Approved February 14, 1858.

No. 80.

AN ACT in aid of the Michigan Asylums.

SECTION 1. The People of the State of Michigan enact, That the sum of twenty-three thousand dollars be and the same is hereby Transfer of appropriated out of the general fund, and the same shall be passed to the credit of the asylum fund on the books of the State Treasurer, and be reimbursed as hereinafter provided.

Apprepriation, 1853 & 1854; how and for what purpose to be used.

Sec. 2. Ten thousand dollars in the year eighteen hundred and fifty-three, and ten thousand dollars thereof in the year eighteen hundred and fifty-four, may be used by the trustees of the Michigan Asylums, from time to time, as it shall become necessary in the construction of buildings for the asylum for the insane; and three thousand dollars for the asylum for the deaf and dumb and the blind, and for other necessary expenses attending the same, and shall be payable on warrants to be drawn by the clerk, and approved by the president of the board and countersigned by the Auditor General.

Duty of

Sec. 3. It shall be the duty of the board to adopt a plan for the building of said asylums on the sites selected, and to advertise for proposals for the building of such parts thereof, and furnishing the same, as can conveniently be built and furnished under the appropriations herein made, and with the sums donated, and to make contracts with such bidders as in the opinion of the board shall make proposals best conducive to the interests of the State, taking into consideration the responsibility of the contractor; and such contracts may be in such form and such sureties as the board may prescribe.

This.

- Sec. 4. The beard shall deposit with the Auditor General such contracts, and file with him, at least once in every three months, an account and vouchers for the money drawn from the asylum fund under this appropriation; and the beard is hereby prohibited from making any advance to any contracter, except upon proper estimates of the work deae and materials furnished, and from drawing warrants exceeding seventy-five per cent of such patimates until the contract is completed and accepted to the satisfaction of the board.
- Sec. 5. As fast as the proceeds of the sale of lands appropriated to the asylum fund, shall reach the sum of one thousand dollars, the same shall be paid to the credit of the general fund, until the amount herein appropriated shall be reimbursed thereby.

Authority of board to convey lands.

Sec. 6. Said board are hereby authorized to sell and to convey by deeds, to be executed by the president of the board, in such portions as they may deem for the best interests of the State, the ten acres denated for the site of the insane asylum at Kalamazoo, and to locate the same on the one hundred and sixty scres purchased therefor, which location is hereby confirmed as the site for said asylum: Previ-

ded. The State shall not be liable for or pay any damages arising from said change or said sale, or giving said deeds.

Sec. 7. The terms of office of the trustees elected or to be elected Historian in the year eighteen hundred and fifty-th ree, shall be four years, and forms they shall hold until their successers are elected and qualified; and the Governor is authorised to appoint a trustee or trustees, to fill any vacancy which may occur when the Legislature is not in session, to hold until such vacancy shall be filled by the Legislature.

Sec. 8. The Auditor General shall, in the years eighteen hundred Duty of and fifty-three and eighteen hundred and fifty-four, at the same time ditor Gen other State taxes are apportioned by him among the several counties, to apport apportion among the several counties in proportion to the valuation as equalized by the State board of equalization, the sum of thirteen thousand dollars, for the year eighteen hundred and fifty-three, and ten thousand dollars for the year eighteen hundred and fifty-four, which several amounts, when apportioned, shall be collected and returned as other State taxes are required to be by law.

Sec. 2. This act shall take effect immediately.

Approved February 14, 1853.

[No. 81.]

AN ACT appropriating certain highway taxes for the improvement of roads in the counties of Eaton and Ionia.

SECTION 1. The People of the State of Michigan enact, That all Non-B of the non-resident highway taxes which shall be assessed upon non-dent highway taxes resident lands within one mile on each side of certain roads, viz: A ted for road commencing on the east side of Sunfield, in Eaton county, being of certain town four (4) north of range six west, known by the name of "Clinton road," thence upon said road westwardly through to the west line of the town of Odessa, in Ionia county, being town five north of range seven (7) west, be and the same is hereby appropriated for the improvement of such road aforesaid; also the road commencing and running north from the east commencing point of the above road, being the town line road between town five and six west, thence north to Lyons village, being in town seven (7) north, in Ionia coun-

LAWS OF MICHIGAN.

ty, with all the non-resident highway taxes which shell be assessed upon the lands one mile each side of said town line road, as above described, for the improvement of such roads aforesaid, for the period of five years from the passage of this act, to be expended as hereinafter provided.

Commuta-

ded.

Sec. 2. That when any non-resident wishes to commute his road tax, hereinafter to be assessed, his labor shall be expended on said roads; and the special commissioners by the provisions of this act shall direct when, where, and how the labor shall be performed.

Special commiss'ners; their duties. Sec. 3. That John Dow, of Eaton county, and George Richmond, for the road called the "Clinton road," and Chauncey Lott, for the town line, for the county of Ionia, be and are hereby appointed special commissioners to disburse the moneys aforesaid, in their respective counties, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships through which said road passes. Such notices shall be posted up at least ten days before the time of letting such contracts, and shall state where the work is to be done and performed, the time limited for the performance, the time when and where the jobs will be let to the lowest bidder, who shall give bonds with one or more sufficient sureties, to the special commissioners, for the faithful performances of said contract.

Ibid.

Sec. 4. It shall be the duty of the special commissioners to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurers of their respective counties, wherein those lands are located; and it shall be the duty of the county treasurers to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to the special commissioners.

Ibid.

Sec. 5. It shall be the duty of the special commissioners to render to the board of Supervisors of each county, at their annual session, a true account of the application and disbursement of the money that they may have received each year.

Oaths and bonds of commissioners; where filed, &c.

Sec. 6. Before the said special commissioners shall enter upon the duties of their office, they shall take the oath prescribed by this State, and file the same with the clerks of their respective counties; and be-

fore they shall draw moneys from the county treasurers, they shall give a bond, with one or more sureties, in double the amount of the non-resident tax in this act appropriated, which bond shall be approved by the county treasurer, county register, and judge of probate, of their respective counties, and which shall be filed with the clerks of their respective counties.

Sec. 7. The special commissioners shall receive as a compensation for services, one dollar per day when actually engaged in the busi-tion. ness of such roads, which amount shall be audited and allowed by the board of supervisors of their respective counties, and paid out of the fund created by this act; and the said board of supervisors may require said special commissioners to certify their account by affidavit.

Sec. 8. In case the said special commissioners, or either of them, vacancies: shall neglect or refuse to take and file the oath of office required by this act, within ninety days after the passage thereof, such neglect shall be deemed a vacancy; and all vacancies which may happen by. death, removal or otherwise, shall be filled by the board of supervisors, or a majority of them, of the counties of Eaton and Ionia, respectively; and any person so appointed shall take and file the oath and bond as aforesaid.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved February 14, 1853.

[No. 82.]

AN ACT to amend an act entitled "an act to amend section one hundred and seven of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, and the acts amendatory thereto, relative to primary schools," approved April seventh, eighteen hundred and fifty one.

SECTION 1. The People of the State of Michigan enacl. That an act entitled "an act to amend section one hundred and seven of chap- sec. 107 of ter fifty eight of the revised statutes of eighteen hundred and forty- a. 8. of 1845amended. six and the acts amendatory thereto, relative to primary schools," approved April seventh, eighteen hundred and fifty-one, be and the same is hereby amended so as to read as follows:

"Sec. 107. The supervisor shall also assess upon the taxable property of his towiship, one mill upon each dellar of the valuation thereof, in each year; and twenty-five dollars of the same shall be applied for the purchase of the books for the township library, and the remainder thereof shall be apportioned to the several districts in the township, for the support of schools therein; and the same shall be collected and returned in the same manner as provided in section one hundred and six of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six; and all school taxes returned for non-payment shall be collected in the same manner as State and county taxes." +

Sec. 2. This act shall take effect immediately. Approved February 14, 1853.

[No. 83.]

AN ACT to provide for the erection of a prison for the purposes of solitary confinement, and a house of correction for juvenile offenders, and making an appropriation therefor.

life; build-

SECTION 1. The People of the State of Michigan enact, That there shall be erected within the yard of the State prison a building in which shall be imprisoned all convicts sentenced to solitary confinement at hard labor for life.

Duty of inspectors of

Sec. 2. It shall be the duty of the inspectors of the State prison to prescribe the plan of said building; which plan, when completed, shall be delivered to the agent, whereupon the agent shall proceed. under the direction of the inspectors, to erect said building.

Approprie

Sec. 3. There is hereby appropriated from the State treasury the sum of five thousand dollars for the erection of said building mentioned in section one of this act, and it shall be the duty of the Au-

Duty of Au-ditor General to draw his warrant upon the State Treasurer from time to time for such sums as the inspectors shall certify to be necessary to defray the accruing expenses for erecting such building.

Sec. 4. There may be used in the construction of said building. such convict labor as the inspectors may direct.

Approved February 14, 1853.

[No. 84.] *

AN ACT to provide for the discharge of certain duties required to be performed by circuit court commissioners.

SECTION 1. The People of the State of Michigan snact, That in when all cases where, by the laws of this State, any duties are specially required to be performed by a circuit court commissioner of the proper court con county, if such circuit court commissioner be attorney, solicitor or counsel in such suit or matter, or be a party thereto, or otherwise interested or unable to act, or incapable of acting therein, such duties may be performed by a notary public of such county, being an attorney of the supreme court of this State; or if there be no such notary public in such county, then such duties may be performed by a circuit court commissioner of an adjoining county.

Sec. 2. Before such notary public, or any circuit court count count count sioner of any adjoining county, shall perform any of the duties contemplated by the preceding section, he shall be satisfied by affidavit or other competent proof, that the circuit court commissioner of the proper county is attorney, solicitor or counsel in such suit or matter, or is a party thereto, or otherwise interested, or unable to act, or incapable of acting therein; and such proof shall in all cases accompany the acts and form a part of the proceedings of such officer.

This act shall take effect immediately.

Approved February 14, 1858.

No. 85.

AN ACT to authorize the county of Saginaw to loan its bonds to aid in the construction of a plank road.

"SECTION 1. The People of the State of Michigan enact, That the Duty of board of supervisors of the county of Saginaw, at their next meeting persons after the passage of this act, shall submit to the voters of said county bonds. the question whether said county shall loan bonds under the provisions of this act; and said board shall prescribe the mode of making such submission, and also the manner of ascertaining the result of such vote; and if a majority of the voters of said county voting on said question shall vote in favor of such loan, said board shall, at the

first meeting thereafter, or at any other meeting thereof, issue the bonds of said county, under the regulations contained in this act, to aid the Saginaw and Bad River Plank Read Company in the construction of a plank road.

Bonds; how issued. &c.

Sec. 2. Such bonds shall be signed by the chairman and clerk of said board, and may be issued to an amount not exceeding fifteen thousand dollars, in sums not less than one hundred dollars each, payable with yearly interest not exceeding ten per cent. per annum, to the order of said company, not less than ten nor more than fifteen vears after the date of issuing the same.

Certain duties of com-

Sec. 3. Before such bonds shall be issued, said company shall build and complete one-half of said plank road; then said bonds, to the amount of half the amount so voted by the voters, shall be issued to said plank road company, and the balance shall be issued as soon as said plank road shall be completed, and shall record a survey of the route intended to be occupied for such, as required by an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and and forty-eight, and shall file with the clerk of said county a certificate thereof, and that all the capital stock of such company has been subscribed in good faith, and the officers thereof elected; which said certificate shall be verified by the affidavit of some officer of auch company.

Stockholdto give bonds.

See. 4. Before any such bond shall be issued, in addition to the ers required requirements of the foregoing section, it shall be necessary for the stockholders holding at least a majority of all the capital stock of said company, to make, execute, and deliver to the board of supervisors of said county, to be filed and kept in the office of the treasurer thereof, a bond in the following form: "Know all men by these presents, that we, the undersigned, stockholders in the Saginaw and Bad River Plank Road Company, are held and firmly bound unto the county of Saginaw in the penal sum of thirty thousand dollars, to the payment of which to said county we jointly bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated, &c. The condition of this obligation is such that if the Saginaw and Bad River Plank Road Company shall construct and complete a plank road on the entire route, the survey of which has been acknowledged and recorded in the office of regis-

Form of bond.

Condition.

- ter of deeds for said county, and in the construction thereof; shall temply fully with all the provisions of the act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and the acts amendatory thereto, and shall, within three years, file with the county clerk of said county the affidavit of the president of said company, that such road is completed in accordance with said law, and shall pay into the treasury of said county such proportion of the nett proceeds of said road as the amount of such bonds of said county shall be of the entire cost of said road until the full amount of such bonds shall be paid, and shall, in the mean time, economically manage the said road and the finances of said company, then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue. Signed, sealed, and delivered in presence of."
- Sec. 5. Said bond shall be subject to the inspection, in the presence Bond subof the treasurer, of any person or persons, who shall be at liberty to spection. take copies thereof; but such bond shall not be taken from the office of such treasurer for any purpose whatever until the same shall be' paid, or canceled by proper authority.
- Sec. 6. On the presentation to such board of supervisors of the Bond to be bond required by section four of this act, the chairman and clerk of president. said board shall immediately prepare and deliver to the president of said company the bonds of said county to the amount of fifteen thousand dollars, payable as hereinbefore required, said voters having voted to issue the same in the manner required by the preceding provisions.
- Sec. 7. Whenever said company shall have paid in the treasury of Indemnifisaid county the full amount of such bonds, issued by such board of cation. supervisors, they shall, by an order to be entered in their records, discharge said company from all liability on the bond executed by the stockholders thereof, and indemnify such company against all cost, trouble and liability, to any holder or holders of the bonds of said county.

- Sec. 8. If the bond issued to said county shall at any time be for-Duly of sufeited, it shall be the duty of the said board of supervisors to direct case of forand cause the same to be prosecuted, to recover all damages such bond. county shall suffer by reason of any default of such company to

Proviso.

perform the condition thereof; and such company shall be deemed to be liable on such bond in the same manner and to the same extention if the same had been made under the corporate seal thereof; Provided, That nothing in this section shall be construed to affect the individual liability of the stockholders of said company signing such bond.

Approved February 14, 1853.

No. 86. 7

AN ACT to provide for assessing property at its true value, and for levying and collecting taxes thereon.

All property liable not exempted. SECTION 1. The People of the State of Michigan enact, That all property, real and personal, within this State, not expressly exempted therefrom, shall be subject to taxation in the manner provided by law.

Real estate

Sec. 2. Real estate shall, for the purpose of taxation, be construed to include all lands within the State, and all buildings and fixtures thereon, except in cases otherwise expressly provided by law.

Personal es

Sec. 3. Personal estate shall, for the purposes of taxation, be construed to include all goods, chattels, moneys, credits, and effects, wheresover they may be; all ships, boats and vessels belonging to inhabitants of this State, whether at home or abroad, and all capital invested therein; all moneys at interest, either within or without this State, due the person to be taxed more than he pays interest for, and all other debts due such persons more than their indebtedness; all public stock and securities, all stock in turnpikes, railroads, canals, and other corporations out of the State, owned by inhabitants of this State; all personal estate of moneyed corporations, whether the owner thereof reside in or out of the State, and the income of any annuity, unless the capital of such annuity be taxed within this State.

Corporate

Sec. 4. All property of private corporations, except in the cases where some other provision is made by law, shall be assessed in the name of the corporation, in the township or ward where the same shall be situated; and in collecting the same, all the personal property of such corporation shall be liable to be seized wherever the same

may be found in the county, and sold in the same manner as the property of individuals may be sold for taxes.

Sec. 5. The following property shall be exempt from taxation, Property exempt from taxation, viz:

- 1. Household furniture, including stoves put up and kept for use in any dwelling house, not exceeding in value two hundred dollars:
- 2. All spinning wheels and weaving looms, and apparatus, not exceeding in value fifty dollars:
- 3. All arms and accourrements required by law to be kept by any person; all wearing apparel of every person or family:
- 4. The library and school books of every individual and family, not exceeding in value one hundred and fifty dollars, and all family pictures:
- 5. To each householder, ten sheep with their fleeces, and the yarn and cloth manufactured from the same; two cows; five swine; and provisions and fuel for the comfortable subsistence of such householder and family for six months:
- 6. All the property of the United States, and of this State, except lands bid off for the State at tax sales, except as hereinafter provided:
- 7. All public or corporate property of the several counties, cities, villages, townships and school districts in this State, used or intended for corporate purposes:
- 8. The personal property of all library, benevolent, charitable and scientific institutions, incorporated within this State, and such real estate belonging to such institutions as shall actually be occupied by them, for the purposes for which they were incorporated:
- 9. All houses of public worship, with the pews or slips and furniture therein, and rights of burial and tombs, while in use as repositories of the dead:
- 10. The estates of Indians, except lands held by them by purchase, and the personal estates of persons who, by reason of infirmity, age and poverty, may, in the opinion of the supervisor, be unable to contribute towards the public charges.
- Sec. 6. When a tenant paying rent for real estate, shall be taxed therefor, he may retain out of his rent, the taxes paid by him for the by tenant. same, unless there be an agreement to the contrary.

LAWS OF MICHIGAN.

ty, with all the non-resident highway taxes which shall be assessed upon the lands one-mile each side of said town line road, as above described, for the improvement of such roads aforesaid, for the period of five years from the passage of this act, to be expended as hereinaster provided.

Commutation.

ded.

Sec. 2. That when any non-resident wishes to commute his road tax, hereinafter to be assessed, his labor shall be expended on said roads; and the special commissioners by the provisions of this act shall direct when, where, and how the labor shall be performed.

Special commiss'n ers; their

Sec. 3. That John Dow, of Eaton county, and George Richmond, for the road colled the "Clinton road," and Chauncey Lott, for the town line, for the county of Ionia, be and are hereby appointed special commissioners to disburse the moneys aforesaid, in their respective counties, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships through which said road passes. Such notices shall be posted up at least ten days before the time of letting such contracts, and shall state where the work is to be done and performed, the time limited for the performance, the time when and where the jobs will be let to the lowest bidder, who shall give bonds with one or more sufficient sureties, to the special commissioners, for the faithful performances of said contract

Ibid.

Sec. 4. It shall be the duty of the special commissioners to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurers of their respective counties, wherein those lands are located; and it shall be the duty of the county treasurers to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to the special commissioners.

Thid.

Sec. 5. It shall be the duty of the special commissioners to render to the board of Supervisors of each county, at their annual session, a true account of the application and disbursement of the money that they may have received each year.

Oaths and bonds of commis-

Sec. 6. Before the said special commissioners shall enter upon the duties of their office, they shall take the oath prescribed by this State, stoners; where filed, and file the same with the clerks of their respective counties; and be-

fore they shall draw moneys from the county treasurers, they shall give a bond, with one or more sureties, in double the amount of the non-resident tax in this act appropriated, which bond shall be approved by the county treasurer, county register, and judge of probate, of their respective counties, and which shall be filed with the clerks of their respective counties.

Sec. 7. The special commissioners shall receive as a compensation for services, one dollar per day when actually engaged in the busi-tion. ness of such roads, which amount shall be audited and allowed by the board of supervisors of their respective counties, and paid out of the fund created by this act; and the said board of supervisors may require said special commissioners to certify their account by affidavit.

Sec. 8. In case the said special commissioners, or either of them, Vacancies: shall neglect or refuse to take and file the oath of office required by this act, within ninety days after the passage thereof, such neglect shall be deemed a vacancy; and all vacancies which may happen bydeath, removal or otherwise, shall be filled by the board of supervisors, or a majority of them, of the counties of Eaton and Ionia, respectively; and any person so appointed shall take and file the oath and bond as aforesaid.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved February 14, 1853.

[No. 82.]

AN ACT to amend an act entitled "an act to amend section one hundred and seven of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, and the acts amendatory thereto, relative to primary schools," approved April seventh, eighteen hundred and fifty one.

SECTION 1. The People of the State of Michigan enacl, That an act entitled "an act to amend section one hundred and seven of chap-sec. 107 of chapter 58, ter fifty eight of the revised statutes of eighteen hundred and forty- R. S. of 1846six and the acts amendatory thereto, relative to primary schools," approved April seventh, eighteen hundred and fifty-one, be and the same is hereby amended so as to read as follows:

"Sec. 107. The supervisor shall also assess upon the taxable property of his township, one mill upon each dollar of the valuation. thereof, in each year; and twenty-five dollars of the same shall be applied for the purchase of the books for the township library, and the remainder thereof shall be apportioned to the several districts in the township, for the support of schools therein; and the same shall be collected and returned in the same manner as provided in section one aundred and six of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six; and all school taxes returned for non-payment shall be collected in the same manner as State and county taxes." ?

Sec. 2. This act shall take effect immediately. Approved February 14, 1853.

[No. 83.]

AN ACT to provide for the erection of a prison for the purposes of solitary confinement, and a house of correction for juvenile offenders, and making an appropriation therefor.

e; build

SECTION 1. The People of the State of Michigan enact, That there shall be erected within the yard of the State prison a building in which shall be imprisoned all convicts sentenced to solitary confinement at hard labor for life.

Duty of in-

Sec. 2. It shall be the duty of the inspectors of the State prison to prescribe the plan of said building; which plan, when completed, shall be delivered to the agent, whereupon the agent shall proceed. under the direction of the inspectors, to erect said building.

Appropria-

Sec. 3. There is hereby appropriated from the State treasury the sum of five thousand dollars for the erection of said building mentioned in section one of this act, and it shall be the duty of the Au-Duty of Auditor General to draw his warrant upon the State Treasurer from time to time for such sums as the inspectors shall certify to be necessary to defray the accruing expenses for erecting such building.

Sec. 4. There may be used in the construction of said building, such convict labor as the inspectors may direct.

Approved February 14, 1853.

[No. 84.] '

AN ACT to provide for the discharge of certain duties required to be performed by circuit court commissioners.

SECTION 1. The People of the State of Michigan enact, That in all cases where, by the laws of this State, any duties are specially a required to be performed by a circuit court commissioner of the proper court com county, if such circuit court commissioner be attorney, solicitor or counsel in such suit or matter, or be a party thereto, or otherwise interested or unable to act, or incapable of acting therein, such duties may be performed by a notary public of such county, being an attorney of the supreme court of this State; or if there be no such notary public in such county, then such duties may be performed by a circuit court commissioner of an adjoining county.

Sec. 2. Before such notary public, or any circuit court court court court sioner of any adjoining county, shall perform any of the duties contemplated by the preceding section, he shall be satisfied by affidavit or other competent proof, that the circuit court commissioner of the proper county is attorney, solicitor or counsel in such suit or matter. or is a party thereto, or otherwise interested, or unable to act, or incapable of acting therein; and such proof shall in all cases accompany the acts and form a part of the proceedings of such officer.

This act shall take effect immediately.

Approved February 14, 1858.

No. 85. 1

AN ACT to authorize the county of Saginaw to loan its bonds to aid in the construction of a plank road.

"SECTION 1. The People of the State of Michigan enact, That the Duty of board of supervisors of the county of Saginaw, at their next meeting pe after the passage of this act, shall submit to the voters of said county bonds the question whether said county shall loan bonds under the provisions of this act; and said board shall prescribe the mode of making such submission, and also the manner of ascertaining the result of such vote; and if a majority of the voters of said county voting on said question shall vote in favor of such loan, said board shall, at the

first meeting thereafter, or at any other meeting thereof, issue the bonds of said county, under the regulations contained in this act, to aid the Saginaw and Bad River Plank Read Company in the construction of a plank road.

Bonds; how issued, &c.

Sec. 2. Such bonds shall be signed by the chairman and clerk of said board, and may be issued to an amount not exceeding fifteen thousand dollars, in sums not less than one hundred dollars each, payable with yearly interest not exceeding ten per cent. per annum, to the order of said company, not less than ten nor more than fifteen vears after the date of issuing the same.

Certain duties of company.

Sec. 3. Before such bonds shall be issued, said company shall build and complete one-half of said plank road; then said bonds, to the amount of half the amount so voted by the voters, shall be issued to said plank road company, and the balance shall be issued as soon as said plank road shall be completed, and shall record a survey of the route intended to be occupied for such, as required by an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and and forty-eight, and shall file with the clerk of said county a certificate thereof, and that all the capital stock of such company has been subscribed in good faith, and the officers thereof elected; which said certificate shall be verified by the affidavit of some officer of auch company.

Stockholdto give

See. 4. Before any such bond shall be issued, in addition to the ers required requirements of the foregoing section, it shall be necessary for the stockholders holding at least a majority of all the capital stock of said company, to make, execute, and deliver to the board of supervisors of said county, to be filed and kept in the office of the treasurer thereof, a bond in the following form: "Know all men by these presents, that we, the undersigned, stockholders in the Saginaw and Bad River Plank Road Company, are held and firmly bound unto the county of Saginaw in the penal sum of thirty thousand dollars, to the payment of which to said county we jointly bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated, &c. The condition of this obligation is such that if the Saginaw and Bad River Plank Road Company shall construct and complete a plank road on the entire route, the survey of which has been acknowledged and recorded in the office of regis-

Form of bond.

Condition

- ter of deeds for said eccenty, and in the construction thereof, shall comply fully with all the provisions of the act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and the acts amendatory thereto, and shall, within three years, file with the county clerk of said county the affidavit of the president of said company, that such road is completed in accordance with said law, and shall pay into the treasury of said county such proportion of the nett proceeds of said road as the amount of such bonds of said county shall be of the entire cost of said road until the full amount of such bonds shall be paid, and shall, in the mean time, economically manage the said road and the finances of said company, then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue. Signed, sealed, and delivered in presence of."
- Sec. 5. Said bond shall be subject to the inspection, in the presence Bond subof the treasurer, of any person or persons, who shall be at liberty to spection. take copies thereof; but such bond shall not be taken from the office of such treasurer for any purpose whatever until the same shall be' paid, or canceled by proper authority.
- Sec. 6. On the presentation to such board of supervisors of the Bond to be bond required by section four of this act, the chairman and clerk of president. said board shall immediately prepare and deliver to the president of said company the bonds of said county to the amount of fifteen thousand dollars, payable as hereinbefore required, said voters having voted to issue the same in the manner required by the preceding provisions.
- Sec. 7. Whenever said company shall have paid in the treasury of Indemnifisaid county the full amount of such bonds, issued by such board of cation. supervisors, they shall, by an order to be entered in their records, discharge said company from all liability on the bond executed by the stockholders thereof, and indemnify such company against all cost, trouble and liability, to any holder or holders of the bonds of said county.
- Sec. 8. If the bond issued to said county shall at any time be for Duly of sufeited, it shall be the duty of the said board of supervisors to direct case and cause the same to be prosecuted, to recover all damages such bond. county shall suffer by reason of any default of such company to

Personal estate, when

Sec. 7. All personal estate within this State, except in the cases where other provision is made by the third and eighth sections of this chapter, shall be assessed to the owner in the township where he shall be an inhabitant on the second Monday of April, and all resident real estate, to the person occupying it on that day, unless the same shall be given in by some other person for assessment to him.

Cases ex-

- Sec. 8. The excepted cases referred to in the preceding section, and not included in said section three, are the following:
- 1. All goods, wares and merchandize, or stock in trade, including stock employed in the business of the mechanic arts, in any township other than where the owner resides, shall be taxed in the township where the same may be, if the owner hire or occupy a store, shop, or warehouse therein, and shall not be taxable where the owner resides:
- 2. All horses, mules, neat cattle, sheep and swine kept throughout the year in any township other than where the owner resides, shall be assessed to such owner in the township where they are kept:
- 3. All personal property belonging to minors under guardianship, shall be assessed to the guardian in the township where he is an inhabitant, and the personal property of every other person under guardianship, shall be assessed to the guardian in the township of which the ward is an inhabitant:
- 4. All personal property held in trust by any executor, administrator or trustee, the income of which is to be paid to any married woman or other person, shall be assessed to the husband of such married woman, or to such other person, in the township of which he is an inhabitant; but if such married woman or other person reside out of this State, the same shall be assessed to such executor, administrator or trustee, in the township where he resides:
- 5. Personal property placed in the hands of any corporation, as an accumulating fund for the future benefit of heirs or other persons, shall be assessed to the persons for whose benefit the same is accumulating, if within this State; otherwise to the person so placing it, or his executors or administrators, until a trustee shall be appointed to take charge of such property, or of the income thereof:

- 6. The personal estate of persons deceased, which shall be in the hands of executors or administrators, shall be assessed to the execu-• tors or administrators in the township where the deceased last dwelt, until they shall give notice to the supervisor that the estate has been distributed and paid over to the parties interested:
- 7. All property held by any religious society as a ministerial fund, shall be assessed to the treasurer of such society; and if such property consists of real estate, it shall be taxed in the township where such property lies; if it consists of personal property, it shall be taxed in the township where such society usually holds its meetings.
- Sec. 9. When personal property is mortgaged or pledged, it shall, Pers'n'l profor the purpose of taxation, be deemed the property of the person gared. &c. who has possession thereof.

Sec. 10. The undivided real estate of any deceased person, may Undivide be assessed to the Beirs or devisees of such person, unless occupied real estate by some other person to whom it may be assessed, without designa-person ting them by name, until they shall have given notice to the supervisor of the division of such estate, and the names of the several heirs and devisees; and each heir and devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs and devisees, their respective portions thereof, when paid by him.

Sec. 11. Any person holding a certificate of purchase of university ty or primary school lands, or occupying the same, shall be liable to and school be assessed therefor as if he were the actual owner thereof: Provided however, That the same shall be assessed as personal property, and not as real estate, and the tax thereon, shall be collected in the manner hereinafter prescribed.

Sec. 12. Partners in mercantile or other business, whether residing in the same or different townships, may be jointly taxed under the how tax partnership name, in the township where their business is carried on, for all the personal property employed in such business; and if they have places of business in two or more townships, they shall be taxed in those townships for the proportion of property employed in such townships respectively; and in case of being so jointly taxed, each partner shall be liable for the whole tax.

Sec. 13. The term "money" or "moneys," whenever used in nt'n tarms this act, shall be held to mean gold and silver coin, and bank notes, and every deposit, which any person owning the same, or holding in trust, and residing in this State, is entitled to withdraw in money of demand. The term "credits," whenever used in this act, shall be held to mean and include every claim and demand for money, or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands secured by deed or mortgage, due or to become due. The terms "parcel of real property" and "parcel of land," whenever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by or recorded as the property of the same claimants, person or company. Every word importing the singular number only, may extend to and embrace the plural number; and every word importing the plural number may be applied and limited to the singular number; and every word importing the masculine gender only, may be extended and applied to females as well as males. Whenever the word "oath" is used in this act, it may be held to mean "affirmation," and the word "swear," in this act, may be held to mean "affirm." The term "cash value." whenever used in this act. shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of assessment; and if there be no usual selling price known to the person whose duty it shall be to fix the value thereon, it shall be held to mean the price at which such property shall be appraised in payment of a just debt due from a solvent debtor, or such price as the property assessed may in the preceding year have been sold for.

Sec. 14. Every person of full age and sound mind, and every firm, body politic or corporate, shall, when called upon as hereinafter provied, forthwith deliver to the supervisor of the township in which he resides, a statement on oath, (which oath the supervisor is hereby authorized to administer,) in which is distinctly and truly set forth a correct description of all the real estate and personal property not by this act exempt from taxation, and not by the laws of this State subject to a specific tax, of which he or it is the owner, or the holder as guardian, parent, husband or trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; and also, all moneys and credits owned or held as aforesaid.

- Sec. 15. Every person required by this act to make or deliver such statement, shall therein set forth an account of the property held or state owned by him, as follows:
- 1. An accurate description of each parcel of land, with the number of acres improved thereon, and the number and kinds of buildings thereon:
 - 2. The number of neat cattle:
 - 3. The number of horses:
 - 4. The number of sheep:
 - 5. The number of hogs:
 - 6. Every wagon and carriage:
 - 7. Every gold or silver watch:
- 8. The number of bushels of grain and the quantity of all other farm produce in the possession of the producer:
- 9. All merchandize not included in the eighth subdivision of this section:
- 10. Every musical instrument of the value of twenty-five dollars and upwards:
 - 11. All moneys and all credits:
 - 12. All other personal property held or owned by him:
 - 13. The amount of moneys upon which he pays interest:
 - 14. The amount of all other bona fide indebtedness.

Sec. 16. Such statement shall be subscribed by the person m king the same, and verefied on oath as hereinafter provided; and if to be sign the property therein described by him, is held by him for any other and so person, he shall state therein for whom or in what capacity he holds the same, and who is the owner thereof.

Sec. 17. No person shall be required to include in such statement Proper any share or portion of the capital stock of any company or corporation, which company or corporation is by law exempt from taxation, need not included or by law required to pay a specific tax in lieu of all other taxes on such share or portion of capital stock, or whose corporate property is subject to assessment under the provisions of section four of this act.

Sec. 18. It shall be the duty of each supervisor, on or before the third Monday in april, to furnish to each taxable inhabitant in his to furnish township a blank form for the statements required by the fifteenth

When 'su pervisor to] call for st'tement; his duty on de-livery of

section of this act, by leaving the same at his residence or usual place of business, to which form a notice shall be annexed, requiring said taxable inhabitant, within one week from the third Monday in April, aforesaid, to set down opposite the appropriate descriptions in said form, the quantity of taxable property in his possession; after the expiration of which time, and previous to the third Monday in May, it shall be the duty of the supervisor to call upon each taxable inhabitant in his township, when said statements shall be produced and sworn to, if not previously sworn to before some person competent to administer oaths, as required by section fourteen of this act; and immediately thereafter the supervisor shall proceed to examine said property, and estimate and set down the true value thereof, deducting from the amount of moneys at interest, and other credits of such inhabitant, the amount of money upon which he pays interest, together with his other bona fide indebtedness, as set forth in said statement. Sec. 19. In every case when any person shall neglect or refuse to

Penalty for neglect to make out sworn statement.

make out on oath, as required by this act, a statement of his real and personal property, money and credits, or to exhibit the same to the supervisor, he shall forfeit and pay to the township the sum of twenty-five dollars; and the supervisor shall forthwith proceed to make a In case of statement of the property owned or held, as hereinbefore provided, neglect supervisor shall make by the person so refusing; and for that purpose he is authorized to examine on oath any person whom he may believe has knowledge of the amount or value of such property, money or credits, and to assess the same at its true cash value.

When asbe reviewed ted.

tement,

Sec. 20. On the Saturday next preceding the fourth Monday in sessment to May, it shall be the duty of the supervisors of the several townships and complet to be present at their respective offices, from 8 o'clock A. M., until 12 M., and from 1 to 5 o'clock, P. M., for the purpose of reviewing their assessments; and on the request of any person considering himself aggrieved, on sufficient cause being shown, by evidence, to the valuation as satisfaction of the supervisor, he may alter the same as to the valuation of the personal property thereof.

May alter to personal property.

Sec. 21. The assessment roll shall contain the names of the resi-Contents of dent persons liable to be taxed; a full description of the real estate roll. of such persons; the number of acres in each trant or parcel, as

near as the same can be ascertained; the estimated value of each tract or parcel, and the aggregate valuation of the personal estate of each person liable to be taxed, as appears from the statements in the possession of the supervisor.

Sec. 22. For the purposes mentioned in the preceding sections of Aud. Genthis act, the Auditor General shall, before the first Monday in April, nish blank forms to in each year, prepare and transmit suitable blanks to the several county treacounty treasurers, who shall, before the second Monday in April, supply all the supervisors in their several counties with the same.

Sec. 23. The description of real estate shall be as follows:

Real estate. how descri-

- 1. If the land to be assessed be an entire section, it shall be des-bed. cribed by the number of the section, township and range:
- 2. If the tract be a sub-division of a section, authorized by the United States for the sale of the public lands, it shall be described by a designation of such sub-division, with the number of the section, township and range:
- 3. If the tract be less or other than such sub-division, it shall be described by a designation of the number of the lot or tract, or of other lands by which it is bounded:
- 4. In case of lands surveyed or laid out as a town or village, and Description a plat thereof recorded in the register's office of the county, if the property. tract to be assessed be a whole lot or block, it shall be described by a designation of the numbers thereof; if it be a part of a lot or block, it shall be described by its boundaries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity of such lands in the assessment roll. When any lands have been, or hereafter shall be laid out as a town or village, or as an addition to any town or village, and the same has not been duly recorded in the register's office of the county, and any one or more of the lots have been, or may be sold by the number thereof, according to the plat of said town or village, or addition thereto, such lands, laid out as aforesaid, may, in the discretion of the supervisor, be assessed in whole or in part according to the sub-divisions as represented on the plat of such town or village, and if such sub-division or parcel be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, such part shall be defined, or it shall be described by its bounda-

ries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity or contents of such lands in the assessment roll.

5. If the lands to be assessed be a tract of which the sub-division cannot be ascertained by the supervisor, they shall enter on the roll the boundaries thereof:

Undivided

- 6. Undivided shares or interests in lands, shall be assessed to the owners thereof, if such ownership is known to the supervisor, and no tract in the same section, originally entered as one parcel, shall be sub-divided in assessing, unless the fact of a sub-division, having been made by the owner or owners, shall be known to the supervisor:
- 7. It shall be sufficient to describe lands to be assessed or sold for taxes, in the manner heretofore in use, by initial letters, abbreviations and figures.

Nonresident

Sec. 24. All lands unoccupied, and not claimed to be owned by any resident of the township where they are situated, and not exempt from taxation, shall be assessed as non-resident lands, and shall be entered on a part of the roll separate from that upon which the estates of residents are entered. When a person is assessed as trustee, guardian, executor or administrator, a designation of his representative character shall be added to his name, and such assessment shall be entered on a separate line from his individual assessment.

Sec. 25. When the supervisor has reviewed and completed the assessment roll, he shall attach a certificate thereto, signed by him, in the following form:

Cettificat o be attac

> "I do hereby certify that I have set down in the above assessmet roll all the real estate in the township of liable to be taxed, according to my best information, and that I have estimated the same at what I believe to be the true cash value thereof; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that I have estamated the same at its true cash value, according to my best information and belief."

Clark of

Sec. 26. The township clerk of each township, shall, on or before township to the second Monday of October in each year, deliver to the supervisor of the money to be raised therein for township purposes, and the amount voted for the maintenance and

support of common schools, and the township library, stating the amount of each, as well as the aggregate amount. The board of Board of susupervisors of each county, shall, at their session in October in each examine asyear, examine the assessment rolls of the several townships, and as-rolls. certain whether the relative valuation of the real estate in the respective townships has been equally and uniformly estimated.

Sec. 27. If, on such examination, they shall deem such valuation to How assess be relatively unequal, they shall equalize the same, by adding to or ized. deducting from the valuation of the real estate in the township or townships, such an amount, as in their judgment, will produce relatively an equal and uniform valuation of the real estate in the county, and the amount added to or deducted from the valuation in each township, shall be entered upon their records.

Sec. 28. The board of supervisors shall also make such alterations Alterations in the description of any lands upon such rolls, as may be necessary of descriptions. to render such description conformable to the requirments of this

Sec. 29. After the assessments shall have been equalized, and the $_{
m Correct}$ descriptions corrected, as provided in the two last preceding sections, roll to be certified and a certificate, signed by the chairman of the board, shall be made delivered to upon or appended to the roll of each township, in the following form, "I do hereby certify that the board of supervisors have equalized and corrected the within roll, by adding to or deducting. from the valuation of the real estate made by the supervisor therein. or without adding to or deducting from the valuation of the real estate, made by the supervisor as the case may be, and have determined the aggregate value of the taxable real and personal property in the township of----, to be -----dollars, and cents, for the year eighteen hundred and--;" which assessment roll, thus certified, shall be delivered to the supervisor of the proper township, who shall file and keep the same in his office.

Sec. 30. The board of supervisors, at the time of equalizing the assessments, shall cause to be entered on their records, the aggregate valuation to be recorded; valuation of the taxable real and personal property of each township when trans in their county, as determined by them; from which record, the Aud. Gene clerk of the board shall, within ten days after their annual meeting, in each year when the State Board of Equalization shall meet, make

and transmit to the Auditor General, by mail, or otherwise, a statement of the aggregate valuation of the taxable real and personal property of the county, including the aggregate valuation of property in each township.

Manner of Assessing Taxes.

Aud. General to apportion State tax.

Sec. 30. The Auditor General shall apportion the state tax among the several counties, in proportion to the valuation of taxable property therein, and shall, before the October session of the boards of supervisors, make out and transmit to the clerks of the several boards, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionments to the counties respectively.

Apportionment of tax supervisors.

Sec. 31. The board of supervisors shall, at their annual session by board of in October, in each year, ascertain and determine the amount of money to be raised by tax for county purposes, and appostion such amount, and also the amount of state tax required to be raised, among the several townships in the county, in proportion to the valuation of the taxable property therein for the year, as equalized by the board, which determination and apportionment shall be entered at large on their records.

Certificate of apportionment to clerk, &c.

Sec. 32. The clerk of the board of supervisors shall, immediately after such apportionment, make out two certificates of the amount be made by apportioned to be assessed upon the property of each township, for state and county purposes, one of which he shall deliver to the county treasurer, and the other to the supervisor of the township, and the county treasurer shall charge the amount specified in each certificate to the proper township.

How taxes supervisor.

Sec. 33. The supervisor of each township shall proceed to assess taxes for the amount specified in such certificate, together with a tax for the amount of money to be raised by his township, adding thereto, and to all other taxes required by law to be assessed by him, not more than four nor less than two per cent. for collecting expenses, upon the taxable property in the township, according, and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the township for the year.

• Sec. 34. The supervisor of each township, on or before the twenty- Notice to fifth day of October, in each year, shall notify the township treasurer treasurer; his bond. of the amount of state and county tax apportioned to his township; &c. and such treasurer, on or before the fifth day of November, shall give to the county treasurer and his successors in office, a bond in double the amount of such state and county taxes, with good and sufficient sureties, to be approved by the supervisor of the township, or the county treasurer, conditioned that he shall duly and faithfully perform the duties of his office, and shall deliver the same to the county treasurer.

Sec. 35. The county treasurer shall file and safely keep such bond county treasurer. in his office; and on the receipt thereof, he shall give to the township bond & give receipt. treasurer a receipt, stating that he has received the bond required by the preceding section, which receipt the township treasurer shall deliver to the supervisor on or before the tenth day of November.

Sec. 36. The supervisor, after the delivery of such receipt, and on or before the fifteenth day of November, shall deliver to the township visor to detreasurer a copy of the corrected assessment roll of his township, with ment roll to the taxes for the year annexed to each valuation, and carried out in the last column thereof; the school, library, and school house taxes in one column, the highway taxes in another, and the township, county, and state taxes in another column; and if other taxes are at any time required by law, they shall be placed in another column, and the warrant for their collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the township and county treasuries respectively. Before the supervisor shall deliver such assessment roll and tax list to the township treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the township clerk of his township a statement thereof; and such township clerk shall immediately charge the amount of such taxes to the township treasurer.

Sec. 37. To such assessment roll and tax list, a warrant under the hand of the supervisor shall be annexed, commanding such treasurer Warrant to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll opposite their respective names, and to retain in his hands the amount receivable by law

into the township treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for state and county purposes, on or before the first day of February then next; and the said warrant shall authorize the treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons.

When taxes to be a lien

Sec. 38. The taxes assessed upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a lien on said real estate from the first day of November of the year in which such real estate was assessed.

Of the Collection and Return of Taxes.

Sec. 39. Every township treasurer, upon receiving the tax list and Township to warrant, shall proceed to collect the taxes therein mentioned and for collect tax- that purpose shall call at least once upon the person taxed, if a resident or at the place of his usual residence in the township, and shall demand payment of the taxes charged to him on such list.

Proceeding

Sec. 40. In case any person shall refuse or neglect to pay the tax in case of re- imposed on him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person, or of any goods and chattels in his possession, wherever the same may be found within . his township; and no claim of property to be made thereto by any other person, shall be available to prevent a sale.

Notice of

Sec. 41. The treasurer shall give public notice of the time and place of sale, and of the property to be sold, at least ten days previous to the sale, by advertisement to be posted up in three public places in the township where such sale shall be made; and the sale shall be by public auction.

Proceedings if property not sold.,

Sec. 42. If the property so distrained cannot be sold for want of bidders, the treasurer shall return a statement of the fact, and if the tax be assessed on real estate, such real estate shall be returned in the same manner as if the same were non-resident lands.

Surplus; how dispo-

Sec. 43. If the property distrained shall be sold for more than the amount of tax and collection fees, the surplus shall be returned to the person in whose possession said property was when the distress was made, if no claim be made to such surplus by any other person in writing; but if any other person shall in writing claim such surplus,

on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the property was sold, the surplus shall be paid to such owner; but if such claim be denied by the person for whose tax the property was distrained, such surplus shall be deposited in the township treasury, until the rights of the parties shall be determined by law.

Sec. 44. In case any person upon whom any tax may be assessed In case of in any township for personal estate, shall have removed out of such perty may township after the assessment, and before such tax ought by law to any part be collected, it shall be lawful for the treasurer of such township to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

Sec. 45. Whenever any township treasurer shall not be able to Proceeding collect any tax on personal property, on account of the absence of the when tax person so taxed, or for any other cause, the county treasurer, if cannot required, shall issue a new warrant to the treasurer of the township cells for such tax, and it shall be the duty of the township treasurer to renew his office bond; and thereupon the said warrant shall be and remain in force for the purposes of such collection until the next annual meeting of the board of supervisors, unless the tax is sooner collected; and the said township treasurer shall charge ten per cent interest on all such taxes from the first day of February until the day of collection: Provided, Said bond shall not be renewed unless the tax uncollected shall exceed five dollars.

Sec. 46. Whenever any tax which shall have been or which may Ind. hereafter be assessed on personal property in this State, shall be returned by any township treasurer for non-payment, under the provisions of the act, it shall be lawful for the treasurer of the township from which any such tax is so returned, in the name of such township, to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts to enforce the payment of any such tax.

Sec. 47. Executions issued upon judgments rendered for any such That. tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by township supervisors, and the proceedings of an officer with any such execution shall be the same in all other respects as are now directed by law.

Ibid.

Sec. 48. The production of any assessment roll on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed, of the township named as the plaintiff in such action, be read, or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be prima facia evidence of the legality and regularity of the assessment of the same; and the court before whom the cause may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Treasurer may receive of lot, or unshare, &c.

Sec. 49. Such township treasurer shall receive the tax, or any one tax on part of the several taxes, on a part of any lot or parcel of land, or on any undivided share or other interest therein, which the tax payer will clearly define; and if the tax on the remainder of such lot or parcel of land shall remain unpaid, the township treasurer shall enter a specification thereof in his return to the county treasurer; but if the part on which the tax is so paid shall be an undivided share, the person paying the same shall state to the treasurer the name of the owner of such share, that it may be excepted in case of the sale for the tax on the remainder, for which purpose the treasurer shall enter the name of such owner in his account of arrears of taxes.

Moneys col-lected, how disposed by town

Sec. 50. The township treasurer shall retain in his hands the of amount specified in his warrant to be paid into the township treasury, for the purposes therein specified, and shall, within one week after the time specified in his warrant for paying the money directed to be paid to the county treasurer, pay to such county treasurer the sum required in his warrant, either in delinquent taxes or in funds then receivable by law.

Return of taxes not cellected.

Sec. 51. If any of the taxes mentioned in the tax list annexed to his warrant shall remain unpaid, and the township treasurer shall be unable to collect the same from the owner or occupant of the premises assessed, he shall make out a statement of the taxes so remaining unpaid and due, with a full and perfect description of such premises from his tax roll, and submit the same to the county treasurer.

Sec. 52. The county treasurer shall immediately compare such Return to statement with the tax roll in the hands of such township treasurer, with tax and if he finds it to be a true transcript from the same, he shall add to it a certificate showing that he has examined and compared such statement with the tax roll in the hands of such township treasurer, and found it correct; and shall file such statement so certified in his office.

Sec. 53. Upon making an affidavit to be annexed to such statement, Affidavit of before the county treasurer or his deputy duly appointed, or before township treasurer: any officer authorized to administer oaths, that the sums mentioned credit for in such statement remain unpaid, and that he has not, upon diligent turned. inquiry, been able to discover any goods or chattels, belonging to, or in possession of the person charged with, or liable to pay such sums, whereupon he could levy the same, the township treasurer shall be credited by the county treasurer with the amount thereof; and for making the return aforesaid, he shall be entitled to receive one Compensus dollar and fifty cents, and six cents per mile travel fee one way, to king return. be allowed and paid to him by the county treasurer, together with two per cent on all taxes returned as delinquent; but no such treasurer shall be allowed more than ten dollars, including said two per cent for making his returns.

Sec. 54. The county treasurer shall give to the township treasurer Receipt to a receipt stating the amount of taxes returned by such township be given, township treasurer unpaid, and for which the township shall receive a credit on oredited, &c. the books of the county treasurer, and shall also give such township treasurer a statement of all taxes rejected by such county treasurer out of such list; which receipt and statement shall be the vouchers of such township treasurer for the amounts therein specified.

Sec. 55. Upon the settlement of the amount of taxes directed to be godors collected by the township treasurer and paid to the county treasurer, infaction on such county treasurer shall endorse the bond of the township treasurer roll & was as paid up; which endorsement shall operate as a full discharge of the deposits treasurer and his sureties from the obligation thereof, unless it shall treasurer. afterwards appear that the return of such treasurer is false; in which case such bond shall continue in force, and such treasurer and his sureties shall be liable thereon for all damages occasioned by such false return; and the township treasurer shall immediately deposit his tax roll and warrant with the county treasurer, who shall file and preserve the same in his office.

When towntressurer, & proceedings hereupon.

Sec. 56. In case the treasurer of any township shall refuse to ship board serve, or shall die, resign, or remove out of the township before he shall have entered upon or completed the duties of his office, or be disabled from completing the same from any cause, the township board shall forthwith appoint a treasurer for the remainder of the year, who shall give like security, and be subject to like duties and penalties, and have the same powers and compensation as the treasurer in whose place he was appointed; and the township clerk shall immediately give notice of such appointment to the county treasurer; but such appointment shall not exonerate the former treasurer or his sureties from any liability incurred by him or them.

Money re-tained by township treasurer, in what order to be paid.

- Sec. 57. In case the township treasurer shall not collect the full amount of taxes required by his warrant to be paid into the township treasury, such portion thereof as he shall collect shall be retained by him and paid out for the following purposes, and in the following order, viz:
- 1. The amount raised for the general township purposes, to be paid on the order of the township board:
- 2. The amount raised for school and library taxes, to be paid on the order of the school inspectors, or school district officers, as the case may be:
- 3. The amount of the highway taxes, to be paid on the order of the commissioners of highways.

Town treasurer to make oath to state-

Sec. 58. At the time of paying over the moneys collected to the county treasurer, pursuant to the provisions of this chapter, the ment of tax-es collected township treasurer shall make out under oath, a statement of all moneys collected by him on account of taxes, and deliver such statement to the county treasurer, who shall file and preserve the same in his office.

Compensasurer for collecting

Sec. 59. The township treasurer shall receive not to exceed four nor less than two per cent. on the amount collected, which he shall retain out of the moneys collected by him; and in case of a distress and sale of goods or chattels for the payment of any tax, the treasurer may also collect on such sale on dollar and twenty-five cents over and above the tax, as his fees for making such sale; which per centage and fees shall be in full for his services in collecting such taxes, and said treasurer shall account to the township board for the per cent. added for collection expenses on all non-resident lands returned to the county treasurer. .

Sec. 60. In case the township treasurer shall neglect or refuse to when a file his bond with the county treasurer in the manner, and within the pervisor time prescribed by law, and the township board shall fail to appoint rent to a treasurer who shall give such bond and deliver a receipt for the ers and d same to the supervisor by the tenth day of November, the supervi- if there sor shall deliver the tax roll and warrant to the sheriff of the county, to be executed by himself or his deputy, who shall execute to the county treasurer a like bond as is required of the township treasurers, and make like collections and returns, and shall be entitled to the same compensation allowed to the township treasurers on all taxes so handed over to him for collection; and for the purpose of collecting the same, shall be vested with all the powers conferred upon the township treasurer.

Sec. 61. The township treasurer, or other collecting officer, on the receipt of any tax, shall give a receipt for the same, and shall note give receip on his tax roll the payment thereof; and if any such treasurer or of tax, &c. other collecting officer shall wilfully return to the county treasurer as unpaid, any taxes which have been paid to him, except where there is a double assessment, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both, at the discretion of the court.

Sec. 62. If any township treasurer shall neglect or refuse to pay when to the county treasurer the sums required by his warrant, or to ac-ranto inst count for the same as unpaid as required by law, the county treasu-treasurer. rer shall, within ten days after the time when such payment ought to have been made, issue a warrant under his hand, directed to the sheriff of the county, commanding him to levy such sum as shall remain unpaid and unaccounted for, together with his fees for colleting the same, of the goods and chattles, lands and tenements of such township treasurer and his sureties, and to pay the said sums to such county treasurer, and return such warrant, within forty days from the date thereof.

Sec. 63. The county treasurer shall forthwith deliver such war-Warrent to be delivered rant to the sheriff of his county, who shall immediately cause the same to be executed, and shall make return thereof to the county county. treasurer within the time specified for the return thereof, and pay to such treasurer the amount required by such warrant; and such sheriff shall be entitled to collect and receive the same fees as are allowed by law to sheriffs on executions.

Proceedings against she-riff for neglect or false return.

Sec. 64. If any sheriff shall neglect to return any such warrant, or to pay the money collected thereon, within the time limited for the return of such warrant, or shall make a false return thereto, the county treasurer shall proceed by attachment in the supreme court, or any other court of competent jurisdiction, against such sheriff, to collect the whole sum directed to be levied by such warrant, in the same manner, and with like effect, as for neglecting to return an execution in a civil suit, and the proceedings thereon shall be the same in all respects.

When county treesurer eriff and his sureties.

Sec. 65. In case the county treasurer shall fail to collect such moto prosecute neys by attachment, he shall forthwith cause a prosecution to be had against the sheriff and his sureties for the sum due on such warrant; which sum, when collected, shall be paid to the county treasurer.

Co. treasurer to enter return of

Sec. 66. When any county treasurer shall receive from a township treasurer a statement of unpaid taxes on the lands of residents or nonlands (dalin- residents, verified according to law, such county treasurer shall enter the same at length on the books in his office provided for the purpose, and he shall make a correct transcript thereof, which shall be compared by the county clerk with the statement of the township treasurer, as certified by the county treasurer, and if he finds it to be a true transcript thereof, he shall add to it a certificate that he has examined and compared the same with the certified statement of the township treasurer, and found it correct.

Transcript to be for-

Sec. 67. Such transcript, so made out, compared and certified, shall be forwarded by the county treasurer to the Auditor General, Auditor by the first day of March next after the return of such statement; but such transcript shall be receivable at any time during said month of March.

Sec. 68. If the taxes on any real estate assessed to a resident, Real est shall be returned unpaid, according to law, the same proceedings real shall be had thereon in all respects as in cases of lands assessed as on return non-resident.

Sec. 69. Any person may pay the taxes on any parcel of lands payment returned as aforesaid, or any undivided share thereof, with interest returned calculated thereon from the first day of February next after the same were assessed, at the rate of fifteen per cent. per annum, and the office charges, to the treasurer of the county in which the lands are situated, at any time before they are sold for taxes, or to the State Treasurer, on the certificate of the Auditor General, at any time before the first day of Septembes next preceding the time appointed for such sale.

Sec. 70. The county treasurer and Auditor General shall add for office char office charges upon each certificate containing one description twentyfive cents, and for each additional description in the same certificate, six cents; and the amount received by the county treasurers for charges, shall go into the county treasuries, of which they shall keep an accurate account, and the amount received at the State Treasurer's office shall go into the State Treasury to the credit of the general fund.

Sec. 71. The county treasurers shall issue duplicate receipts for all taxes received by them, which shall not operate as a discharge of receipts. the taxes until countersigned by the county clerk, and one of said duplicates shall be left with such clerk; but no additional charge shall be made for issuing duplicate receipts.

Sec. 72. The duplicates of such receipts shall be filed by the coun- Co. clerk to ty clerk, who shall make an entry of the amount for which every trans such receipt was given, with the name of the person paying such tax, in a book to be provided by him for that purpose, at the expense of the county; and shall, on the first Monday of each month, forward all the receipts on file in his office to the Auditor General, in such manner as he may direct.

Sec. 73. Every county treasurer who shall have received into the wa treasury of his county sufficient to make up the amount of taxes assessed for township and county purposes, shall make returns, at least nev once in three months, to the State Treasurer, at such times and in

such manner as he shall direct, of the amount received by him for delinquent taxes, payable to such State Treasurer.

Sec. 74. Until the several counties which shall have remaining un-When coun-ty treasurer paid, more delinquent taxes than the amount of the State tax for the preceive year in which the same were assessed, shall have received the amount Treas- raised for township and county purposes, they shall be entitled to receive from the State treasurer at the close of each month, in specie or its equivalent, the amount there received for delinquent county or township taxes returned from the several counties, until they shall have received the amounts assessed in such counties for other than State tax.

When coun-

Sec. 75. Immediately after the returns of the several township treasurer treasurers to the county treasurers, in all cases where the amount collected shall exceed the amount raised for county and township purposes, the county treasurer shall forthwith pay into the State treasury the excess collected as aforesaid, for which amount the said counties shall be credited on account of the State tax for the proper year.

Of the Sale of Lands for Taxes and the Conveyance and Redemption

Sec. 76. All lands returned to the Auditor General, as provided en lands by law, upon which the taxes, interest and charges shall not be paid, mp-sale, or be charged back to the proper county, shall be subject to sale and redemption as hereinafter provided, and shall be sold in the same county from which they were returned, or in which the lands were situated at the time such taxes were assessed.

Sec. 77. The Auditor General shall make out a separate statement e made by of all such lands as the taxes shall remain due upon in each of the respective counties; specifying the amount of taxes due on each parcel, the interest thereon to the first Monday of October thereafter, together with the costs of advertising, postages, expense of sale and returns thereof and conveyances, calculated upon each description, by dividing such charges by the whole number of descriptions. And accompanying or preceding such statements, the Auditor General shall cause to be published in the respective counties, a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause not. affecting the legality of the assessment, or requiring a rejection of the taxes thereon, and on which the taxes, interest and charges still remain unpaid or not otherwise discharged for the taxes of any year prior to that for which the statements above mentioned are made up; and deeds given by the Auditor General to purchasers at such sales, or their assigns, shall take effect according to the year's tax for which the deed may be given; the deed for the latest year's tax taking precedence; and the interest on such re-advertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

Sec. 78. The Auditor General shall cause each of such statements when to be published in the county in which the lands therein described are situate, for eight weeks successively next previous to the first Mon-public day of October in each year, which shall be construed to mean eight publications, once a week in one newspaper, printed and published in such county, if there be one which shall have been established therein six months prior to the first day of April; and in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county, if there be such newspaper established therein for the period aforesaid; but if there is no such newspaper printed or published in the same or any adjoining county, such statement shall be printed and published in some other newspaper, to be designated by the Auditor General.

Sec. 79. The newspapers in which such statements are to be pub-when lished, shall be designated by the Auditor General, on or before the nated first day of April in each and every year, and not afterwards, unless the proprietor of any paper so designated shall neglect or refuse to print and publish such statement, or unless, from some other cause it shall become impracticable; in which case the Auditor General shall designate some other paper for that purpose, before the time limited for commencing the publication.

Sec. 80. The cost of printing and publishing such statements shall Cost of not exceed thirty cents for each description of land so advertised; and printing. no printer shall be paid for publishing any such statement, who shall not forward to the Auditor General, within twenty days after the last publication thereof, an affidavit made by some person to whom

the facts are known, stating such publication, and also that he has transmitted to each county treasurer, by mail, copies of the two first numbers of his paper containing such statement, immediately after their publication.

Notice to be published with state-

Sec. 81. The Auditor General shall annex to and cause to be published with each of said statements, a notice that so much of each tract or parcel of land described in said statement as will be necessary for that purpose, will be sold by the county treasurer on the first Monday of October next thereafter, at such public and convenient place at the seat of justice of the county as the county treasurer may select, for the payment of taxes, interest, and charges thereon.

county treasurer, &c.

Sec. 82. As soon after the first Monday of September as shall be ands to be practicable, the Auditor General shall prepare and transmit to the ted by Aud. several county treasurers, lists of all lands described in the respective statements, on which the taxes, interest and charges shall have been paid; which lands, together with all the lands whereon the taxes, interest and charges shall have been paid to the county treasurer before the sale, shall be struck from the statement of lands advertised to be sold by the respective county treasurers, and shall be withheld from sale.

Sale how

Sec. 83. On the day designated in the notice of sale, the several county treasurers, under the direction of the Auditor General, shall commence the sale of those lands on which the taxes shall not have been paid as aforeseid, and shall continue the same from day to day (Sundays excepted) until so much of each parcel thereof shall be sold as shall be sufficient to pay the taxes, interest and charges thereon: Provided, That every description of land embraced in said notice, which has been bid off to the State at a previous sale, and which remains unredeemed or otherwise disposed of, shall be bid off to the State by said county treasurers.

Ibid.

Sec. 84. In case less than the whole of any parcel described in the statements aforesaid, shall be sold for the taxes, interest and charges thereon, the portion thereof sold shall be taken from the north side, or north end of such parcel, and shall be bounded on the south by a line running parallel with the northerly line thereof, unless the same be an irregular fraction; in which case the portion thereof so sold shall be bounded on the south by a line running due east and west.

Sec. 85. The county treasurers may, in their discretion, require immediate payment of any person to whom any parcel of such land bids, when shall be struck off; and in all cases where payment is not made in &c. twenty-four hours, he may declare the bid canceled, and, at his discretion, sell the lands again; and any person so neglecting or refusing to pay any bid made by him, shall not be entitled, after such neglect, to have any bid made by him received by the treasurer during such sale.

Sec. 86. The several county treasurers shall receive, on such sales, such funds only as shall, at the time, be receivable by law at the State ceivable at treasury on account of the general and delinquent tax funds; and so much as may be necessary to pay for printing, and charges of sales, shall be paid in specie or its equivalent.

Sec. 87. The State Treasurer shall notify the county treasurers what amount must be paid in specie or its equivalent; and the remittance of all moneys received at tax sales shall be made as directed by specie; State treasurer to the State Treasurer; and the expenses of advertising and sale shall be directre paid therefrom on the Auditor General's warrant, and the remainder shall be placed to the credit of the general fund, as received.

Sec. 88. At the sale aforesaid, the respective county treasurers Cartificate shall give to the purchasers, on the payment of their bids, a certificate in writing, describing the lands purchased, and the amount paid therefor; and shall endorse thereon the kind of funds received; and such certificate shall be regularly numbered, and a copy of each forwarded by the county treasurers to the Auditor General, in such manner as he shall direct.

Sec. 89. On the presentation of such certificate of sale to the Auditor General, after the expiration of the time provided by law for purchaser. the redemption of lands sold as aforesaid, he shall execute to the purchaser, his heirs, or assigns, a deed of the land therein described, unless he shall have discovered that the same was improperly sold; which deed shall be prima facia evidence of the regularity of all the proceedings, from the valuation of the land by the assessors; to the date of the deed inclusive, and of title in the 'purchaser; and every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other

cases, and after it shall have been on record five years in the office of the register of deeds of the county in which the land therein described is situated, shall, except in cases where the Auditor General has canceled the sale pursuant to law, or it has been annulled by a court of competent jurisdiction, be positive evidence that the land therein described was, by such deed, conveyed in fee simple to the grantee therein named, and his heirs, or assigns; but such lands shall be subject to all unpaid taxes properly chargeable thereon.

Less of our-

Sec. 90. In case of the loss of such certificate of sale, the purchaser or his legal representative or asignee, may file his affidavit of such loss, and that he was at the time of such loss the bona fide and legal holder thereof; and the Auditor General shall thereupon execute as aforesaid a deed for the lands described in such certificate, in the same manner as though it had been presented and surrendered. Any person who shall make an affidavit as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury for any false statement made in such affidavit, with intent to defraud, upon conviction thereof, before a court having jurisdiction of the offence.

Now lands may be reformed. clec. 91. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying at his option into the State treasury or to the treasurer of the county where such lands are situated, the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent per annum; of which interest twenty per cent shall be paid by the State Treasurer to the purchaser, and five per cent shall belong to the State, and be passed to the credit of the general fund.

Interest how computed.

Sec. 92. When any land shall be redeemed as provided in the preceding section, the interest shall in all cases be computed from the day of sale, up to the end of the current quarter of the year limited for such redemption.

Duplicate certificates of redemp tions to be insued, &c. Sec. 93. Upon the payment of the redemption money and interest to the county treasurer as aforesaid, he shall issue duplicate certificates of redemption in the usual form, both of which certificates shall be countersigned by the county clerk, who shall make an entry of

the number of each certificate, the amount for which it was given. and the name of the person paying the same; one of which certificates shall be delivered to the person making the payment, and the other shall be transmitted by the county clerk to the Auditor General. on the first Monday in each month, in the same manner as as is now required for the transmission of duplicate receipts.

Sec. 94. The total amount of such redemption certificate shall be Aud. Genecharged by the Auditor General to the county returning the same, if county with the amount shall be found by the books of his office to be due such cortificate, county; and if not thus due, then the said amount shall be deposited in the State treasury by the county treasurer, at such times as the Auditor General shall require; and if the said county treasurer shall refuse or neglect for thirty days after such requirement to pay over, or deposit the amount as aforesaid, he shall be subject to a prosecution by the Auditor General, under the provisions of the thirty-sixth section, chapter one hundred and fifty-four of the revised statutes of one thousand eight hundred and forty-six; and upon conviction shall be punished as therein mentioned.

Sec. 95. Every county treasurer shall, on or before the first day co. weeken of June next succeeding his election, execute to the Auditor General bond to At a boad, in such sum as the said Auditor shall direct, with three or more sureties to be approved of by the prosecuting attorney, county judge or circuit court commissioners, of the proper county, and the said Auditor, conditioned that such treasurer, his deputy and all persons employed in his office, shall render a just and true account of all moneys received by him or them for sales of lands at the annual tax sales, and for redemption thereof, and all other money which may otherwise come into his or their hands, belonging to the State, and that he or they shall faithfully and promptly pay to the State Treasurer all such moneys received as aforesaid, whenever required so to do by the Auditor General; which bond shall be filed in the office of said Auditor.

Sec. 96. In case the said county treasurer shall refuse or neglect in case co. to execute and file such bond at the time and in the manner aforesaid, neglects to file bond, the Auditor General shall employ in behalf of the State some other Aud. General may emperson to conduct the annual sales of lands delinquent for taxes, and ploy some other perto receive payment therefor under him direction, any law to the con- duct sale

trary notwithstanding; upon such person executing and filing with the said Auditor a similar bond with sureties as above mentioned, to be by him approved, conditioned for the faithful and prompt payment to the State Treasurer of all moneys which may come into his hands. as the proceeds of such sale or otherwise, belonging to the State. whenever required so to do by the Auditor General as aforesaid; and a reasonable compensation for the services of such person shall be allowed and paid out of said proceeds.

fered for ale, and when bid in

Sec. 97. If any parcel of land cannot be sold to any person for the When lands taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be re-offered; and if, on such second offer, or during such sales, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same for the State.

Lands bid off to the State liable

Sec. 98. All lands bid off for the State as provided in the last preceding section, shall continue liable to be taxed, in the same manner to taxation as if they were not the property of the State, and such taxes shall be a charge upon such lands.

Sec. 99. If the Auditor General shall discover, before the sale, or Proceedings before the conveyance of any lands as aforesaid, that on account of regularity inversible accounts on for any other cause any of each lands irregular assessments, or for any other cause, any of such lands ought not to be sold or conveyed, he shall forbear to cause the same to be sold, or withhold a conveyance, after sale, as the case may be; and in such case, if a sale has been made, he shall, on demand, cause the money paid therefor to be refunded, with seven per cent interest thereon.

Sec. 100. If such errors originated with the county or township refunded to officers, the amount so refunded shall be charged against the county be charged and the supervisors of such county shall cause the same to be refunded to the State treasury.

ral may can-

Sec. 101. If at any time within two years after the date of When Au-ditor Gene. purchase of any land sold for taxes, it shall be made to appear to colsales, &c. the satisfaction of the Auditor General, that for any cause, said sale was invalid, he shall have power, and it shall be his duty to cancel said sale and to cause the money paid therefor to be refunded, with seven per cent interest, to be calculated from the date of said sale to the date of the cancelment thereof: Provided, That the Auditor General shall have power, and it shall be his duty to cancel any such sale at any time when it shall be made to appear to his satisfaction,

1st. That the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold:

2d. That the taxes have been paid, or that application in writing to pay said taxes, or redeem said land, was made to the proper officer within the time limited by law for the payment or redemption thereof

Sec. 102. Whenever, within the time above limited, the Auditor Cartifica General shall be satisfied that any deed executed by him upon the of can sale of any land for taxes, has been erroneously executed, and ought to be cancelled, he shall, on application of the person claiming the premises, give the applicant a certificate of the same duly executed and proved and asknowledged, as other documents for record are proved and acknowledged; and whenever such certificate, so proved and acknowledged, shall be presented to the register of the proper county, where said deed shall have been recorded, the said register shall record the same, and cancel the said deed of record, by a short memorandum written on the margin, or on the face of said deed, stating the substance of said certificate; and thereupon the said deed shall be absolutely void, so far as the lands described in said deed and in the said certificate are identical.

Sec. 103. In all cases when lands sold for taxes have been convey- Reasons for ed by deed, and the Auditor General deeming the title invalid, shall to be cancel the deed pursuant to law, he shall, at the time of offering to purch the purchaser his money, and interest as the law requires, also briefly state the reasons for such cancelment.

Sec. 104. Such money, when paid by the State Treasurer, shall be refunded to the State treasury by the proper county; and in any action of ejectment brought by the owner to recover such lands, the State shall not be liable to costs.

Sec. 105. The Auditor General shall state the account of the several county treasurers, on the first day of July in each year, allowing to the several counties ten per cent interest on such portions of state the taxes unpaid on the first day of February in the same year, as shall belong to them for township and county purposes, and shall transmit a copy thereof by mail, or otherwise, to the county clerk, who shall lay the same before the board of supervisors at their first meeting after the receipt of the same.

Of Rejections and Re-assessments.

Sec. 106. Whenever the county treasurer shall be notified by the Auditor General, or shall otherwise become satisfied that any tax has been paid to the township treasurer, or that there was a double assessment upon any lands, or that any parcel is so erroneously or defectively described that it cannot be sold, he shall deliver to the board of supervisors an accurate statement thereof; and the said board shall cause the same to be re-assessed upon the same land in the next year's tax, or raise the amount upon the proper township, or otherwise correct such errors, as they shall consider just.

fow reject-

Sec. 107. The Auditor General is authorized and required, in all cases where taxes upon lands returned delinquent to his office, shall be rejected for any cause, or having been credited, shall be charged back on the books of his office, to charge the same over to the county from which such taxes were returned, unless the lands upon which the same were assessed, shall have been set off to some other county. or attached to some other county for judicial purposes; and in case such lands shall have been so set off or attached, they shall be charged to the county to which they may belong at the time of such rejection.

Supervises to furnish list of land stached from country

Sec. 108. It shall be the duty of the board of supervisors to furnish to the Auditor General a list of all taxes which shall have been rejected or charged back to their county by him, upon lands which shall have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be then situated, provided such taxes shall not have been previously paid or re-assessed.

Aud. Genetreasurer a description of lands, &c.

Sec. 09. The Auditor General, immediately after ascertaining the rate to for-ward to Co. amount of taxes, interest and charges, due upon any lands which may have been or may hereafter be rejected or charged back as hereinbefore provided, shall forward to the treasurer of the county in which such lands shall then be situated, or to which they may be attached. a description of such lands, together with a statement of the amount of taxes, interest and charges thereon, and specifying for what year or years such taxes were originally assessed.

Sec. 110. The county treasurer receiving such statement shall key Co. tr the same before the board of supervisors at their next session there-er to lay after, and if such taxes shall have been rejected or charged back by before board the Auditor General for any informality not affecting the legality of the assessment, the board of supervisors shall cause the same to be re-assessed upon the same land, and collected with the taxes of the then current year, and in the same manner.

Sec. 111. If such taxes cannot be properly re-assessed upon the Proceeding same lands, the board of supervisors shall cause the same or any cannot be part thereof, to be re-assessed upon the taxable property of the proper township, as may appear equitable.

Sec. 112. Whenever the Auditor General shall have rejected any Pressedin State, county or township tax, for the reason that the amount as-when tax sessed for any such purpose exceeds the limitation established by key. law, the county treasurer of the county in which the lands so assessed shall be situated, shall make out and present to the board of supervisors thereof at their next session, a list of the lands, with the taxes assessed, and the interest accrued thereon.

Sec. 113. The board of supervisors shall cause so much of said need. taxes as shall remain unpaid, and as shall not exceed the limit fixed by law, for the year in which they were originally assessed, to be reassessed upon the same lands, if they can legally do so, and collected with and in the same manner as the taxes for the year in which the same shall be re-assessed as aforesaid.

Sec. 114. If any such taxes cannot be properly re-assessed upon the same lands, the board of supervisors shall cause the same, or any part thereof, under the limitations aforesaid, to be assessed upon the taxable property of the proper township, as may appear equitable.

Sec. 115. All taxes assessed on any lot or block, or any part thereof, in a town or village, or addition thereto, which have been rejected subsequent to the first day of January, eightcen hundred and perty, reted for forty-seven, or which may hereafter be rejected, on account of any in-formality formality or defect in the execution, filing acknowledgment or recording of the plat of said town or village, or any addition thereto, the board of supervisors of the respective counties may cause the same to be re-assessed by the same lots or blocks, or parts thereof, which are respectively chargeable with said taxes as provided by law in

other cases of re-assessments, excepting such lots or parts of lots as have been sold since the rejection of said taxes; and all the provisions of law concerning the assessment, collection and return of taxes, and of the sale of the lands chargeable therewith, shall be applicable to the re-assessments made as aforesaid, and to the sales of the lands delinquent in the payment thereof.

Liability of collector, &c.

Sec. 116. If at any time it shall be discovered that the Treasurer of any township has received the tax assessed upon property which he has returned delinquent, the Supervisor shall have power, and he is hereby required to collect the same, in the name of his township, from such treasurer or his sureties, together with interest and charges.

Of Lands bid off to the State for Taxes; their Redemption and Sale.

Lands bid off to the offbred at October seles.

Sec. 117. All lands heretofore bid off, or that may hereafter be bid off to the State for taxes, which have not been redeemed, or otherwise discharged, shall be offered for sale at the annual tax sales in October in each year.

Aud. Gene-ral to fur-nish statements to Co.

Sec. 118. The Auditor General shall furnish to each of the County Treasurers, in the month of August in each and every year, a full and accurate statement of all the lands in his county that may have been bid in for the State, remaining unredeemed or not otherwise discharged.

Contents of

Sec. 119. Such statement shall exhibit the aggregate amount of statements; all sums due to the State on each description of land, including interest thereon at the rate of twenty-five per cent per annum, from the time the lands were bid in by the State, to the first Monday of October in the year in which they shall be first offered as State tax lands as contemplated in the preceding section: Provided. That on all State tax lands, which have or should have been once previously offered at public sales, and which, remaining unsold, are again to be offered as above, there shall be charged upon the amount for which each description thereof has or should have been so offered, interest at the rate of ten per cent per annum, from the time when they were so or should have been so first offered, to the said first Monday of October.

Notice of

Sec. 120. The Auditor General shall cause to be published for eight weeks successively, (which shall be construed to mean eight publications, once a week,) next previous to the first Monday of October, in each year, a notice that the lands described in such statement will be sold at public auction by the treasurer of the county in which such lands are situated, at the time and place designated for the ordinary tax sales, under the direction of the Auditor General.

Sec. 121. At the time designated in the notice, and immediately Time and previous to the sale of other lands advertised to be sold for taxes at sale. the same time, such county treasurar shall commence the sale at the place designated, and continue the same from day to day, if necessary, (Sundays excepted,) until he has offered all the lands embraced in his list which have not been redeemed or otherwise discharged; and he may re-offer and sell any parcel when a bidder shall refuse to pay his bid for twenty-four hours after the lists have been gone through, or he may, in his discretion, demand immediate payment: and if not paid, cancel the bid and re-offer the lands.

Sec. 122. In all cases when a description of land is offered as Purchaser State tax land, and the same description or any part thereof shall be for subseoffered in the regular list of lands delinquent for taxes as provided ac. in section eighty-three of this act, it shall be the duty of the county treasurer to inform the person bidding for the description offered as State tax lands of the fact, and such person shall be required to purchase the description so offered in the regular list at the same time the description offered as State tax hand is bid off by him; and in case of his neglect or refusal so to do, the treasurer shall withhold said description of State tax land from sale; but may re-offer the same as provided in the next preceding section.

Sec. 123. The county treasurer shall, on payment of the purchase Co. treasure money at such sale, issue certificates of sale to the purchasers, in er to issue certificate of such form, and make such returns to the Auditor General, as shall be prescribed by him, and shall also transmit the moneys received on such sale to the State Treasurer, in such manner as he shall have directed.

Sec. 124. The Auditor General shall, on the presentation and sur- Aud. Gene relider of the State tax land certificate of sale at his office, or as cute deed. soon thereafter as may be, (except in cases where the land has been previously sold at the Auditor General's office, or redeemed, when the purchase money only, shall be refunded,) execute a deed of the

lands to the purchaser or his assigns, which shall convey all the right acquired by the State under the original sale or sales; and such deed shall be prima facia evidence of the correctness of all the proceedings to the date of the deed, and of the title of the grantee therein named; and when duly acknowledged, may be recorded and admitted in evidence, in the same manner as other deeds of conveyance; and every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases, and after it shall have been on record five years, in the office of the register of deeds of the county in which the land therein described is situated, shall be positive evidence that the land therein described was by such deed conveyed in fee simple to the grantee therein named, and his heirs or assigns; but such lands shall be subject to all unpaid taxes properly chargeable thereon.

Redemption of lands bid off to the

Sec. 125. Any person may redeem any lands, or any part or terest which shall be clearly defined in any lands heretofore bid or that may hereafter be bid for the State, at any time within a year next succeeding the sale at which the same was bid in, by pe ing into the State treasury, on the certificate of the Auditor Gener the amount for which the same was so bid in, with interest there at the rate of twenty-five per cent per annum, as is contemplated a provided in sections ninety-one and ninety-two of this act.

Aud. Gene-

Sec. 126. All such lands remaining unredeemed, except such d State bids at criptions as the State may have a title to for another year or year ral's Office, shall be subject to sale at any time at the office of the Auditor Ge eral, and upon the payment therefor, on his certificate to the Sta Treasurer of the amount for which such lands were bid off to the State, with interest at twenty-five per cent per annum, to be compa ted from the first Monday in October, when such lands were bid o to the State to the time of such application, the Auditor General she issue to the purchaser a certificate of purchase.

Amount to

Sec. 127. If such lands shall be redeemed, the purchaser shall be be refunded, entitled to the amount of the bid, together with twenty per cent. interest, as contemplated and provided in section ninety-one of this aut; if otherwise discharged, then to the amount paid by him with interest at seven per cent per annum, to be computed from the date of the purchase to the date of such discharge. But if such lands are

not redeemed or otherwise discharged according to law, the Auditor If not re-General shall, on the surrender of such certificate of purchase, exe-deed to be cute to the purchaser a deed for the lands therein described.

Sec. 128. Any person may purchase any unsold State tax land, Purchase of upon application therefor at the office of the Auditor General, and unsold State upon application therefor at the office of the Auditor General, and tax lands at upon paying to the State Treasurer on the certificate of the Auditor al's office. General, the amount for which the same was, or should have been first offered in the county as State tax land, with interest upon said amount at ten per cent per annum, to be computed from the first Monday in October, in the year in which the land was, or should have been so first offered in the county, to the day of making such application and payment.

Sec. 129. Upon application and payment being made as above executed by mentioned, the Auditor General shall execute to such purchaser, a Aud. General deed, conveying all the right, title and interest of the State in and to said State tax lands, acquired by virtue of the original sale or sales to the State.

Sec. 130. All the provisions of this act relative to deeds executed Provisions by the Auditor General on the surrender of certificates of sale of relative to State tax lands, issued by the several county treasurers shall be ap- sales appliplicable to deeds executed by him for lands purchased at his office cable to pursuant to the provisions of this act, and all the provisions of this &c. act relative to canceling sales, shall be applicable to sales of lands bid off to the State, whether sold by the county treasurer or purchased at the office of the Auditor General.

Sec. 131. The purchaser of any lands bid in for the State at the Office charannual tax sales, and sold pursuant to the provisions of this act, on ges. application to the Auditor General for a deed, shall pay an office charge of twenty-five cents for the first, and six cents for each subsequent description contained in such deed, which shall be paid into the State treasury, to the credit of the general fund.

Sec. 132. All expenses of sale, postage and other charges, inci-Expense of dent to the sales of lands, bid in for the State as aforesaid, shall be age, &c. audited by the Auditor General, and paid out of the general fund on his warrant.

21

Who to be dant in cas ment.

Sec. 133. In case it shall become necessary in the prosecution of made defen- an action of ejectment by any person baving an adverse claim to any or prosect land bid in for the State, as provided in this chapter, the officer having charge of the land in behalf of the State, may be defendant.

Right of the State to enforce collection of taxes for subsequent years, prejudiced,

Sec. 134. Neither the sale of any State tax lands, nor the sale of any of the bids of the State for which the time of redemption has not expired, shall in any wise prejudice the right of the State to enforce the collection of any tax subsequent to the year or years for which the same have been sold as aforesaid, and for the taxes and charges remaining unpaid for such subsequent year or years, the Auditor General shall cause such lands to be offered in regular succession, at the next ensuing annual sales for taxes, in the proper county, giving the notice required by law, unless previously redeemed or otherwise discharged.

When lands to be struck from assessment roll.

Sec. 135. Any description of land bid off to the State at the annual tax sales, which shall remain undisposed of for five years from the date when it was so bid off, shall be stricken from the assessment roll, but shall be restored thereto, after the same shall have been sold or otherwise discharged.

And. Geneassessment rolls to Co. ers.

Sec. 136. The Auditor General shall, in the month of March in ral to trans- each year, transmit to the several county clerks and county treasurers, mit lists of lands to be so struck from the assessment rolls, in their respective counties, and lists of such as have been previously struck clerks and Co. treasur- from the rolls, but are to be restored and again assessed; and the said clerks respectively, on or before the first Monday of April thereafter, shall transmit a list to the several supervisors, designating such lands in their respective townships as are to be left out of the assessment roll, and such as have been previously left out, but are to be restored.

When descript'n sold two or more years, and sale void for one year, conveyance to remain good for balance.

Sec. 137. When any single description of State tax land shall be script'n soid sold for the taxes of two or more years, and it shall be made to appear to the Auditor General within the time prescribed by law, that the taxes for any year for which the same was originally bid off to the State were paid before sale, or were illegally assessed, or would be void for any other cause, he shall, on application, cause to be wefunded to the purchaser the amount due and paid on account of said year's tax, with interest at the rate of seven per cent from the day of sale until said purchaser was notified that said amount would be refunded; but the deed shall remain a valid conveyance to the purchaser of all the rights acquired by the State under the sale or sales' for taxes of other years, not thus proved to have been illegal or void.

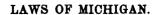
Sec. 140. All sales of State tax lands, or the bids in behalf of the Certain sales State, at the Auditor General's office, under the provisions of the act to remain to provide for the sale of certain unsold State tax lands, and for other purposes, approved February seventeenth, eighteen hundred and forty-six, and the act No. seventy-two, amendatory thereof, approved April twenty-third, eighteen hundred and forty-six, which were made after the said acts were repealed, and also the sales at the said office, of the bids in behalf of the State on lands sold for the taxes of eighteen hundred and forty-one, eighteen hundred and forty-two, and eighteen hundred and forty-three, and which were previously held by the State as State tax lands, for the taxes of eighteen hundred and forty, and previous years, and the deeds or certificates of purchase issued or to be issued on account of such sales, shall be as valid as if said acts had not been repealed.

Miscellaneous Provisions.

Sec. 141. Any person who has a lien upon any lands returned for Person has non-payment of taxes, may pay the taxes, interest, and charges thereon, pay tax and the receipt of the county treasurer or State Treasurer therefor, duly countersigned, shall constitute an additional lien on such land to the amount therein specified; and the amount so specified shall be collectable with interest thereon, in the same manner as the original lien.

Sec. 142. If any township clerk or supervisor shall wilfully neg-Penalty for lest or refuse to perform any of the duties required of him by the duty by provisions of this chapter, he shall forfeit and pay a sum not exceeding one hundred dollars.

Sec. 143. The board of supervisors of each county shall, at their Duty of annual session in each year, transmit to the prosecuting attorney, the per names and places of abode of all township clerks and supervisors wee, &c. within their county, who shall have incurred any forfeiture under the provisions of this chapter, and such prosecuting attorney shall immediately prosecute for such forfeiture.



SACE STIRnined by efault of county or treasurer. chargeable to county or own, &c.

Sec. 144. All losses that may be sustained by the default of the treasurer of any township shall be chargeable on such township; and 'all losses that may be sustained by the default of any county treasurer in the discharge of the duties imposed by this chapter, shall be chargeable on such county, and the board of supervisors of such county shall add such losses to the next year's taxes of such township or county.

And. Gener al to furnish Hanks.

Sec. 145. The Auditor General shall, from time to time, furnish suitable blanks in addition to those required by the preceding provisions of this chapter, for returns of unpaid taxes, receipts and certificates of sale, which shall be sent to the several county treasurers.

Detroits who to per-form duties of township treasurer therein.

Sec. 146. The assessors of the several wards in the city of Detroit, shall have and exercise the powers and duties of supervisors, and the collectors of the several wards of said city shall have and exercise the powers and duties of township treasurers, under the provisions of this chapter.

Aud. General to cause a sufficient number of copies of this act to be printed,

Sec. 147. The Auditor General shall, from time to time, whenever he shall find it necessary, cause to be printed at the expense of the State, a sufficient number of copies of this chapter, with such forms of proceeding under the same as may be necessary and proper, to furnish one copy to each supervisor, township treasurer, township clerk and county clerk, and three copies to each county treasurer; and shall transmit to each county treasurer at the expense of the county a sufficient number for such county; and every county treasurer receiving such copies shall immediately transmit to the township clerk of each township, five copies, to be distributed by him to the officers entitled thereto.

Officer refu-

Any officer who shall wilfully neglect or refuse to perform any of ang to per-sorm duties, the duties imposed upon him by this chapter, shall be deemed guilty acc, guilty of misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, in the discretion of the court.

Property distrained for taxes; roceedings in case of surplus in cert'n cases.

Sec. 148. Whenever a surplus arising from the sale of any property distrained for taxes, shall be claimed by any other than the person for whose tax such property was sold, and such claim shall be contested by such person, such claimant may prosecute an action against such person; or the person for whose tax such property was

sold may prosecute such action against such claimant, as for money had and received; in which action the right of the respective parties to such surplus shall be tried and determined.

Sec 149. For the purpose of such action, the defendant shall be Ibid. deemed to be in possession of the surplus in the hands of the township treasurer, and upon the presentation to such treasurer of a certified copy of the final judgment rendered in such action, the said treasurer shall pay over the same to the party recovering such judgment; and no township treasurer shall be liable to any claimant of such surplus, the right to which is contested as provided in this chapter, until he shall have refused to pay over such surplus upon the production of a certified copy of a judgment as aforesaid.

• Sec. 150. In any action brought pursuant to the two last preceding sections, no other cause of action shall be joined, nor shall any set off be allowed; and if an execution issue on a judgment so rendered, it shall direct the costs only of such action to be levied by virtue thereof.

Sec. 151. When any property shall be legally distrained and sold for the tax of any person, and such property shall be owned by prep'rty another person, such owner may recover of the person for whose sold may tax the same was sold the value of such property, in an action of cert'n can assumpsit, as for goods sold and delivered, deducting therefrom the amount of any surplus which may have been claimed or recovered by such owner as provided in this chapter.

Sec. 152. It shall be the duty of the prosecuting attorney of each Duty of precounty, to give his counsel and advice to the county treasurer, and torney, the supervisors of the county, whenever they, or any of them, may deem it necessary for the proper discharge of the duties imposed upon them in this chapter, free of charge.

Sec. 153. Whenever any county treasurer shall pay to any town-Co. treasure ship treasurer any moneys on account of taxes returned from such er paying money to township, it shall be the duty of such county treasurer immediately town treasurer immediately treasur to notify the clerk of the proper township of the amount so paid to tify clerk. such township treasurer.

Sec. 154. In all cases of sales of land for taxes, if the purchaser In case of or his assignee shall die before a deed shall be executed on auch sale, deathofpurthe deed shall be executed by the Auditor General to and in the name to issue in of such deceased person, if such person being still alive would be en-

titled to the same; which deed shall vest the tax title in the heirs or devisees of such deceased person, in the same manner, and liable to the like claims of creditors and other persons, as if the same had been executed to such deceased person immediately preceding his death. And in all like cases which have heretofore occurred, the same rule shall apply; and all deeds heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled thereto, shall have the like effect as above provided.

primary school lands

Duty of su-pervisor relative to uni- be assessed the interest of any purchaser of University or primary school lands, as personal property, shall, on or before the first day of November in the year when the same was so assessed, transmit to the treasurer of his county a list of all such lands, containing a full description thereof, together with the name of the persons to whom respectively the same was so assessed.

Co. treasurers to return to State Land Office ty and pri-mary school lands.

Sec. 156. That the several county treasurers shall, at the same time and in the same manner they are now required to return to the takement of office of the Auditor General lands delinquent for taxes in their mand axes m universi- respective counties, return to the State Land Office a statement of all university and primary school lands upon which, from returns made to them by the township treasurers, it appears the taxes assessed have not been paid and cannot be collected.

Duty of Commismoner of State Land Office.

Forfeiture in case of eglect to pay taxes.

Sec. 157. The Commissioner of the State Land Office shall provide suitable books and enter in the same the description of every parcel of land so returned to his office, and the taxes assessed on the same.

Sec. 158. The purchaser or purchasers of any parcel of the land so returned, or the person or persons claiming to have any interest in the same as the assignee or legal representative in any other capacity of such purchaser, shall, under pain of forfeiting his or their interest in such lands and in the certificate of sale thereof, within the time in which the annual interest is required to be paid on the purchase money of such lands, pay to the State Treasurer the amount of tages assessed upon any description of the lands so returned, with interest thereon from the first day of February following the assessment of the same, at the rate of fifteen per cent. a year, and in addition thereto ca each description the sum of twenty-five cents to defray the expenses of the collection of such taxes.

Sec. 159. Every parcel of land returned under the provisions of this act, upon which the taxes and the interest and charges aforesaid shall remain unpaid at the expiration of the time within which payment thereof is required to be made by the next preceding section, shall be deemed to have been forfeited to the State by the purchaser thereof, his assignee or other legal representative; and the lands so forfeited shall be subject to sale in the same manner that other forfeited and unsold university and primary school lands are.

Sec. 160. The said commissioner shall, on or before the first day commissioner of May and November in each year, make out and furnish to the furnish Auditor General a statement containing a description of the lands to Auditor General of upon which the taxes have been paid, and the amount of taxes, interest taxes so and charges paid on such lands.

Sec. 161. The Auditor General shall credit to the proper counties Aud. General the taxes so paid, with the rate of interest allowed on other delinquent counties. taxes, and place the balance of moneys arising from such interest and charges to the credit of the general fund.

Sec. 162. The board of supervisors of any organized county, to Bhard of suwhich is attached any unorganized territory for judicial purposes, pervisors of organized may appoint one or more assessors, who shall hold their office until which others are appointed, to be duly qualified, whose duty it shall be to ritory is assess the property liable to taxation in such unorganized territory, appoint one in the same manner as is herein prescribed for the supervisors of or- seed re; their ganized towns-who shall take, complete, and deliver the same to the county clerk of such organized county, on or before the first day of October, which roll shall be equalized, and go to make the aggregate valuation of said county, the same as the other township rolls, and the relative amount of State and county tax, together with the expense of assessment and collection, shall be apportioned to the property of said rolls the same as that of the several townships. It shall be the duty of the county clerk to affix the taxes so apportioned to strue copy of said roll, to annex his warrant thereto, to deliver the same to the sheriff, who shall give bonds to the county treasurer that shall be approved by him, to collect and pay over the same, in the time, manner, and under the same restrictions as is herein prescribed for the town treasurer to collect and pay to the county treasurer their several State and county taxes. Said assessors shall be empowered

at any time before the first day of October, to make and complete an assessment in any organized town that may fail or neglect to make or complete an assessment roll within the time required by this act, and shall deliver the same to the county clerk, who shall affix the taxes to a true copy thereof, and deliver the same to the sheriff of said county, who shall give bonds to the county treasurer, collect and pay over the same in like manner as is required for the unorganized portion of said counties.

Conflicting enactments repealed. Sec. 163. That all acts, and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed.

Sec. 164. This act shall take effect immediately.

Approved February 14, 1853.

[No. 87.]

AN ACT for the construction of public offices at the seat of government, at Lansing.

Appropria-

SECTION 1. The People of the State of Michigan enact, That there shall be appropriated out of any money belonging to the general fund, the sum not to exceed ten thousand dollars, for the purpose of erecting a fire proof building for the State offices at Lansing.

Governor? authorized to appoint commissioner. Sec. 2. The Governor is authorized, and may, by and with the consent and advice of the Senate, appoint a commissioner, whose duty it shall be to procure plans and specifications for the construction of said building, and submit the same to the board of State auditors for their adoption.

Powers and duties of commiss'n-

Sec. 3. When said plan and specifications are so adopted, it shall be the duty of said commissioner to advertise for forty days, in some newspaper published at the seat of government, and two daily papers in the city of Detroit, for bids for furnishing materials for the construction of said building, according to the plans and specifications, and to make a contract for said construction with the person who will do it at the lowest price, taking into consideration the ability of said person to perform the contract, which shall be approved by the board of State auditors and Governor, to be signified by their approval endorsed thereon.

Sec. 4. The said commissioner shall superintend the construction of the said building, and the Governor, Auditor General and Board of State Auditors shall fix and locate the site of said building, on block two hundred and forty-nine, in the town of Lansing.

Sec. 5. Said commissioner is hereby empowered to give said con- Power of tractors an estimate of the amount expended in labor or material up-relative to on said building, from time to time, as the works progress, and the treasurer, upon the warrant of the Auditor General, is hereby authorized to pay such amount so estimated, reserving twenty-five per cent thereof, until the said building shall be completed and accepted tion. by said commissioner.

Sec. 6. Said commissioner shall receive the sum of three dollars Compens per day during the time he is employed, to be certified to by the said tion. Board of State Auditors, and audited by the Auditor General, and paid by the State Treasurer.

Sec. 7. Said commissioner, contractor or contractors, shall not be entitled to any extra pay, beyond the amount fixed for the commis- to extra sioner, and the amount fixed with the contractor or contractors in the original contract entered into with them.

This act shall take effect immediately.

Approved February 14, 1853.

No. 88.]

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the village of Jackson, approved April third, eighteen hundred and forty-eight.

Section 1. The People of the State of Michigan enact, That section Sec. 2 of act second of an act entitled an act to amend an act entitled an act to No. 195 of 1848, amend incorporate the village of Jackson, approved April third, eighteen ded. hundred and forty-eight, be amended by striking out the words "street commissioner," in the second line of said section, and by inserting after the word "appointed," in the sixth line of said section, the words "deputy marshal;" so that said section as amended will read as follows:

Corporation officers.

"Sec. 2. The officers of said village shall consist of a president. recorder, treasurer, attorney, six trustees, marshal and two assessors. to be elected by a plurality of votes by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this State; and the common council of said village are hereby authorized to appoint a marshal and deputy, and such other officers as may be necessary under the provisions of this act. The election of officers herein provided for, shall be held in said village at such place as may be appointed by the common council, on the fourth Monday in April in the year eighteen hundred and forty-eight, and on the second Monday in March in each year thereafter. The polls of such election shall be opened between the hours of hine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day, and no longer. The name of each elector voting at such election shall be written in a poll list to be kept at such election by one of the common council. After the close of the polls at such election, the common council shall proceed without delay, publicly to count the ballots, unopened; and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president or recorder, if present, and if not, then some other member of the common council shall draw out and destroy unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled up or folded together, they shall not be estimated; and thereupon, the common council present at such election shall proceed immediately and publicly to canvars and estimate the votes given at such election, and shall complete the said canvass and estimate, the same day or the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass; and the person having the greatest number of votes shall be declared duly elected: Provided, If it shall happen that two or more persons shall have an equal number of votes for the same office, so that no election shall be had, a new election shall be had for such officers as shall have had such equal number of votes."

Duty of council relative to elec-

- Sec. 2. Also amend section nine of said act by striking out the Section 9 words "street commissioner," in the first line of said section; so amended. that said section as amended shall read as follows:
- "Sec. 9. The assessors, attorney, treasurer, and such other officers Term of ofas shall be appointed by the common council, shall hold their offices for one year, and until others are elected or appointed."

Sec. 3. Also amend section thirteen of said act, by adding at the section 13 end of the section the following: "and the common council shall have power and authority to cause all grounds therein where water shall become stagnant to be raised, filled up, or drained, and when it shall be necessary to till up, level, or drain any such grounds, it shall be lawful for the marshal of any such village, under the direction of the common council, to assess the cost or expense of filling up, leveling, or draining such grounds, and upon the return of such assessment, the recorder shall give notice by publication in all the papers published weekly in said village, of the time and place when the common council will meet to review said assessment, at which time or at some subsequent meeting, the said common council shall confirm the same. or increase or diminish the same as by them shall be deemed right and proper; and should the owner or occupant of such grounds, neglect or refuse for the period of thirty days after personal notice given him, her, or them, if a resident of said village, and if not, by a notice published in all the newspapers published weekly in said village for the period of four successive weeks, to pay the full amount of said assessment, or fill up, level, or drain such grounds, the said common council shall thereupon cause the said grounds to be filled up, leveled, or drained, and upon the same being completed, they shall have power and authority to sell or lease such premises, for the least number of years that will defray such charge or expense, giving thirty days' previous notice of the time and place of such sale, or leasing, in all the newspapers published weekly in said village, and such sale or leasing shall vest a full and legal title in and to such grounds for such term as the same may be sold or leased as aforesaid," so that the same, as amended, shall read as follows:

"Sec. 13. The common council shall have power to make by-laws and and ordinances relative to and regulating the duties, powers and fees common of the marshal, treasurer, assessors, and other officers, relative to the

time and manner of working upon the streets, lanes, and alleys of said village, relative to the manner of assessing, levying, and collecting all highway and other taxes in said village, relative to the manner of grading, railing, planking, and paving all side-walks in said village, and to setting posts and shade trees, in all streets, lanes, and alleys in said village, to lay out, grade, and repair all streets, lanes and alleys, and to construct, make, and repair all bridges in said village, and for preventing the same from being obstructed, and for the prevention and abatement of nuisances within said village; and the common council shall have power and authority to cause all grounds therein where water shall become stagnant to be raised, filled up, or drained, and when it shall be necessary to fill up, level, or drain any such grounds, it shall be lawful for the marshal of any such village under the direction of the common council, to assess the cost or expense of filling up, leveling, or draining such grounds, and upon the return of such assessment, the recorder shall give notice by publication in all the papers published weekly in said village, of the time and place when the common council will meet to review said assessment, at which time or at some subsequent meeting the said common council shall confirm the same, or increase or diminish the same as by them shall be deemed right and proper, and should the owner or occupant of such grounds, neglect or refuse for the period of thirty days after personal notice given him, her, or them, if a resident of said village, and if not, by a notice published in all the newspapers published weekly in said village for the period of four successive weeks, to pay the full amount of said assessment, or fill up, level, or drain such grounds, the said common council shall thereupon cause the said grounds to be filled up, leveled, or drained, and upon the same being completed. they shall have power and authority to sell or lease such premises. for the least number of years that will defray such charge or expense, giving thirty days' previous notice of the time and place of such sale, or publishing in all the newspapers published weekly in said village, and such sale or leasing shall vest a full and legal title in and to such grounds for such term as the same may be sold or leased as aforesaid."

. Sec. 4. Also amend section twenty-two of said act by adding at Section 20 the end of the section the following: "Provided, That whenever the amended. common council shall deem it necessary to raise a greater money tax in any one year than one-fourth of one per centum upon the valuation of said real and personal property, they shall give at least two weeks notice in writing, of a meeting of the electors of said village, who are property tax payers, to be posted up in at least five public places in said village, and by publication in all the papers published in said village, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended, and when such meeting shall be assembled, in pursuance of such notice, said electors shall by a two-thirds vote of those present at such meeting, determine the amount of money which shall be raised for each object specified in the notice: And provided also, That such tax shall not in any one year exceed the sum of one thousand dollars: And provided also, That not more than two meetings shall be held in any one year, to determine the amount of tax to be raised: And provided further, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the marshal, who shall give to each person so assessed, notice of the time and place, when and where such labor will be required, and the money raised by such poll tax shall be expended in work upon the streets in said village," so that said section as amended shall read as follows:

"Sec. 22. The common council shall have power and authority to Author levy, assess and collect a money tax upon all real and personal property in said village, but such money tax upon said property shall stive to exnot exceed in any one year one-fourth of one per centum upon the valuation of said real and personal property, and said common council may also assess and collect a highway tax in addition to the money tax aforesaid, not exceeding the rate of one day's work for every one hundred dollars valuation of such real and personal property, to levy and collect a poll tax upon every male inhabitant of said village, above the age of twenty-one years, not exceeding seventy-five cents per annum upon each person so taxed: Provided, That whenever the common council shall deem it necessary to raise a greater money

tax in any one year than one-fourth of one per centum upon the valuation of said real and personal property, they shall give at least two weeks notice in writing, of a meeting of the electors of said village who are property tax payers, to be posted up in at least five public places in said village, and by publication in all the papers published in said village, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended, and when such meeting shall be assembled, in pursuance of such notice, said electors shall by a two-thirds vote of those present at such meeting, determine the amount of money which shall be raised for each object specified in the notice: And provided also, That such tax shall not in any one year exceed the sum of one thousand dollars: And previded also. That not more than two such meetings shall be held in any one year, to determine the amount of tax to be raised: And provided further, That any person assessed for a poll tax, may pay the same by one day's labor upon the streets, under the direction of the marshal, who shall give to each person so assessed, notice of the time and place, when and where such labor will be required, and the money raised by such poll tax shall be expended in work upon the streets in said village."

Section 24 amended.

Sec. 5. Also amend section twenty-four of said act by adding at the end of the section, the following: "Provided, That whenever the common council shall be authorized by a vote of the property tax holders of said village to raise a tax for any specific purpose, and which cannot be included in the assessment roll as provided in this . section, it shall be lawful for the common council to apportion such tax upon the property, according to the valuation, as contained in the then last village assessment roll, and shall place the tax in a column opposite the valuation of the property, and when such roll is completed, the recorder shall make and deliver a copy thereof to the marshal, together with a warrant signed by the president and recorder, commanding the marshal to collect the same, and make return of his proceedings, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof, and it shall be the duty of the marshal to collect said taxes within the time specified in said warrant, or within such further time as

the common council shall by resolution direct," so that said section as amended shall read as follows:

"Sec. 24. The common council, from the original assessment roll, Duty of shall make a duplicate, charging each individual therein an amount council relative to taxof tax in proportion to the amount of real and personal estate of such es, &c. individual within said village, and setting down in separate columns the amount of money tax, the amount of highway tax, and the amount of poll tax, which duplicate shall be signed by the presideat and recorder, and shall be delivered to the marshal, with the warrant thereto annexed, specifying the time within which the taxes therein named shall be collected, which time shall not exceed ninety days from the date of such warrant; but such time may be extended by a renewal of the warrant, under the hands of the president and recorder, for a time not to exceed one hundred and fifty days from the date of the original warrant; and the marshal shall collect the same within the time specified in his warrant, and in such manner as the by-laws shall direct: Provided, That whenever the common council shall be authorized by a vote of the property tax-holders of said village to raise a tax for any specific purpose, and which cannot be included in the assessment roll as provided in this section, it shall be lawful for the common council to apportion such tax upon the property according to the valuation as contained in the then last village assessment roll, and shall place the tax in a column opposite the valuation of the property; and when such roll is completed, the recorder shall make and deliver a copy thereof to the marshal, together with a warrant signed by the president and recorder, commanding the marshal to collect the same, and make a return of his proceedings, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof, and it shall be the duty of the marshal to collect the said taxes within the time specified in said warrant, or within such further time as the common council shall by resolution direct."

Sec. 6. Also amend section twenty-seven of said act, by striking gastien out the word "county," wherever the same occurs in said section, amended. and inserting in its place the word "circuit," so that said section as amended shall read as follows:

"Sec. 27. Whenever the common council shall lay out any new streets, lanes or alleys, or alter any old one, if the person owning right of way. the land through which such street, lane or alley, when so laid out or altered, shall pass, shall object thereto, and the common council cannot agree with such person or persons as to the amount of damage to be paid for such right of way, the common council, or any person owning such land, his agent or attorney, may file a petition setting forth the line and boundary of such street, lane or alley, with the recorder, and the recorder shall thereupon set a day, not more than twelve nor less than six days from the filing of said petition, for the hearing of the same, and may, if either party require it, and at such party's expense, cause a jury of six disinterested persons to be summoned to hear and determine upon the amount of damages to be allowed, and the verdict of jury, or judgment of the recorder, shall be conclusive as to the amount to be paid; and when the amount of said verdict or judgment shall be paid or tendered to the person entitled to the same after the right of appeal shall expire, the right of way described in said petition shall immediately vest in the common council: Provided, however, either party may appeal to the circuit court, as in other cases; and in case of appeal, the judgment of the circuit court thereon shall be final, and the common council shall, on the filing of such petition, make an offer of the amount which they will give to each person so interested and objecting, for such right of way, and if the person shall not recover a judgment or verdict before the recorder for a greater sum, such person shall pay all the costs, and if such person shall recover more than the amount so offered them, the corporations shall be liable for and pay all costs, and if such case be appealed to the circuit court, then the right of way aforesaid shall vest in [the] common council, upon the treasurer of the village paying or tendering the amount of such judgment to the person entitled to the same. Either party filing such petition as is provided for in this section, shall give security for all the costs that may accrue in the case, in such manner as securities are required to be given by the plaintiffs in civil cases before justices of the peace, and execution may issue to collect the amount thereof against such security, in case the party giving such security , shall, by the judgment of the recorder or of the circuit court, in case the same is appealed, become

liable to pay such costs; a profile of such street, lane or alley, describing the boundaries thereof, shall be filed in the office of the recorder, and a copy thereof filed in the office of the register of deeds. of the county of Jackson, duly attested by the recorder, under the seal of said common council."

Sec. 7. Also amend section twenty-eight of said act, by striking Section 28 out the words "or the street commissioner," in the second and third amended. lines of said section; so that the said section as amended shall read as follows:

"Sec. 28. Any person assessed for highway taxes in said village, may commute therefor by paying to the marshal of said village, at comme the time such person shall be required to work the same, at the rate way taxes. of seventy-five cents for each day so assessed; and all highway taxes shall be estimated by the common council at the rate of seventyfive cents per day; and persons working upon the highway shall be required to work thereon not less than ten hours for one days work."

Sec. 8. Also amend section thirty of said act, by inserting after section 30 the word "year," in the first line of soid section, the words "and be-amended. fore the second Monday of April;" so that said section as amended shall read as follows:

"Sec. 30. The assessors of said village shall, once in each year, Duty of asand before the second Monday of April, make an assessment roll, containing a description of all the property, both real and personal, in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be made and completed, they shall give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, stating the place where such roll is left for the inspection of all persons interested, and of the time when and place where they will meet to hear the objections of any person interested in the valuation so made by them; and at the time and place so appointed, the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation on sufficient cause being shown, on oath, to the satisfaction of the assessors; which oath the assessors

23

are hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of said assessors, such person shall have the right of appealing from said decision, at any time within ten days thereafter to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation; and the common council may, at any time before the tax is collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or improperly described in such assessment roll."

Sec. 9. Also amend section thirty-six of said act, by inserting after the word "act," in the eighteenth line of said section, the words "from the valuation of the land by the assessors, to the date of the deed inclusive;" and also, by adding at the end of said section, the following: "any person claiming the land so sold, or any interest therein, may, within one year from the day of such sale, redeem the same by paying to the treasurer of said village the amount for which it was sold, together with the interest thereon, at the rate of ten per cent. per annum to the time of such payment;" so that said section as amended will read as follows:

"Sec. 36. Whenever any real estate shall be sold by said marshal Duty of "Sec. 36. Whenever any real estate shall be sold by said marshal rel-marshal rel-ative to sale for taxes, notice thereof shall be published in a newspaper printed for de- in said village, once in each week, for at least four weeks; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to the said lands described in the sale, shall not within one year from the date thereof pay the treasurer of said village, for the use of said purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of ten per cent. per annum, from the date of such certificate, the said marshal, or his successor in office shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon; and the said conveyance shall be prima facia evidence that the proceedings were regular, according to the provisions of this act, from the valuation oi the land by the assessors to the date of the deed inclusive; and every such conveyance executed by such marshal, under his hand and seal, and witnessed and acknowledged by the proper officer, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence, and all personal estate so sold, shall be in such manner, as the common council may direct; and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned by mistake or otherwise improperly, or for any other irregularity in the return and sale of such real estate, cancel the certificate of sale before the same has been deeded, and may therefore draw a warrant upon the treasurer for the amount of purchase money, and seven per cent. interest; and no deed shall thereupon be given upon such certificate of sale. Any person claiming the lands so sold, or any interest therein, may within one year from the day of such sale, redeem the same by paying to the treasurer of said village the amount for which it was sold, together with interest thereon at the rate of ten per cent. per annum to the time of such payment."

Sec. 10. Also amend section forty-seven of said act, by striking Section 47 out the words "street commissioner," in the first and second lines of said section; so that said section as amended shall read as follows:

"Sec. 47. The recorder, treasurer, marshal, assessors, attorney, compen and such other officers as may be appointed by the common council, shall receive such compensation for their services as the common council shall allow; but the president and trustees shall receive no pecuniary compensation."

Sec. 11. This act shall take effect immediately.

Approved February 14, 1853.

[No. 89.]

AN ACT to amend section seven of chapter seventy-two of the revised statutes.

SECTION 1. The People of the State of Michigan enact, That section seven of chapter seventy-two of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows:

When judge of probate may renew commission; in case of failure of creditor to present; elsim.

"Sec. 7. On the syplication of a creditor who has failed to present his claim, if made at any time before the estate is closed, the judge of probate may revive he commission, and allow further time, not exceeding three months, for the commissioners to examine such claim; in which case the commissioners shall cause personally to be notified the parties of the time and place of hearing, and as soon as may be, make return of their doings to the probate court: Provided, That all costs and charges resulting from such application and the proceedings thereon, had in the probate court, shall be paid by the party making the application."

Sec. 2. This act shall take effect immediately. Approved February 14, 1853.

[No. 90.]

AN ACT to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit Water Works.

Board of water comSECTION 1. The People of the State of Michigan enact, That Shubael Conant, Henry Ledyard, Edmund A. Brush, William R. Noyes, and James A. Van Dyke, be and they are hereby named and constituted as a "Board of Water Commissioners of the city of Detroit," who, and their successors in office, shall be known by the name and style of the "Board of Water Commissioners of the city of Detroit," and by that name shall have power to contract, sue and be sued, to purchase, hold and convey personal and real estate, to have a common seal, to alter and change the same at pleasure, to make by-laws and ordinances, and do all legal acts which may be necessary and proper to carry out the effect, intent and object of this act.

board.

Term of of-

Sec. 2. The said commissioners shall hold their offices respectively for the term of three, four, five, six and seven years from the first Tuesday in May, of the year one thousand eight hundred and fifty-three; said commissioners shall, within sixty days after the passage of this act, decide by lot their respective terms, which decision shall be notified by a written statement to the common council of said city, which shall be entered of record on the books of the said common

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council; and at their first regular meeting in the month of April, in the year one thousand eight hundred and fifty-six, and annually thereafter, the said common council shall elect and appoint a citizen of said sity, being a qualified voter and a freeholder, as a commissioner, who shall hold his office for five years from the first Tuesday in the May next following: Provided, That this section shall not be so construed as to disqualify any member of the said board for reappointment; and in case of the death, or resignation, or removal how supp from the city, of any of said commissioners, the common council shall, as soon thereafter as possible, appoint to fill such vacancy, for the remainder of the term, some citizen of said city, being a qualified voter and freeholder.

Sec. 3. The said commissioners shall choose one of their own President & number as president, who shall hold his office until the first Tuesday how chose of May next ensuing the date of his election; they shall also appoint some suitable person as secretary, who shall hold his office at the pleasure of the board; and in case of the death, resignation, or removal from the city of the president, the said commissioners shall have power to fill the vacancy so happening, as in the first instance.

Sec. 4. The said commissioners shall have power to loan, from time to time, upon the best terms they can make, after giving public commission notice by advertising in the city papers for sixty days, and in one money. paper in Boston, and two in New York, for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall Limitation. have authority to issue bonds pledging the faith and credit of said Authority of commiscity for the payment of the principal and interest of said bonds; stores both interests of said bonds; stores both interests of said bonds; stores both interests of said bonds. which bonds shall issue under the seal of said board of commissioners. and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent per annum. And it shall be the duty of said commissioners to cause to be kept an accurate register bonds issu of all the bonds issued by them, shewing the number, date, and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be turnished to the auditor of said city a copy of such register, as soon as the same is made, which shall be preserved by said auditor, and copied into the records of said city.

Sec. 5. It shall be the duty of said commissioners to examine and commiss'n- consider all matters relative to supplying the city of Detroit with to supply of a sufficient quantity of pure and wholesome water, to be taken from the Detroit river, or such other source as may be deemed expedient, for the use of its inhabitants.

Sec. 6. Said commissioners shall have power to employ superintendpensath ents, clerks, collectors, assessors, engineers, surveyors, and such other persons as, in their opinion, may be necessary to enable them to perform their duties under this act, and to specify the duties of such persons so employed, and to fix their compensation: Provided. That in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

(General

Sec. 7. Said commissioners shall have power, and it is hereby powers and made their duty, as soon as may be, after the necessary funds have been procured, as herein provided, to purchase such land and materials, and to construct such reservoirs, buildings, machinery, and fixtures as shall be deemed necessary or desirable to furnish a full supply of water for public and private use in said city.

Sec. 8. Said commissioners shall have power to construct reservoirs, jets and fire hydrants, at such localities in said city as they may deem expedient and necessary, and to lay pipes in and through all the alleys and streets of said city; and also to construct in such localities as they may deem expedient, not exceeding one to each block, hydrants for public use, and to keep the same in repair; and also, with the consent of the common council of said city, to construct fountains in the public squares, or such other public grounds of said city as they shall deem expedient.

Sec. 9. Said commissioners shall, from time to time, cause to be assessed the water-rate to be paid by the owner or occupant of each house or other building having or using water, upon such basis as they shall deem equitable; and such water rate shall become a continuing lien, until paid, upon such house or other building, and upon the lot or lots upon which such house or other building is situated.

mmiss'n-

Sec. 10. Said commissioners shall have full power to make and enforce all necessary by-laws, rules and regulations, for the collection of said water-rates, either by the appointment of collectors to demand the same, requiring payment at the office, shutting off the water, or by a

suit at law before any court of competent jurisdiction, or by sale of the lot or premises, upon which such rates shall have become a lien: Provided. That such sales shall be conducted in the same manner, and shall have the same force, virtue and effect, of sales of lots delinquent for city taxes: And provided further, That the attempt to collect said rates by any process above mentioned, shall not in any way invalidate the lien upon said lot or premises.

Sec. 11. The said commissioners shall cause to be kept an accurate Record. record of all proceedings, together with a list of all assessments for water rates, which shall be subject to inspection at all times.

Sec. 12. It shall be the duty of said commissioners to make report Report. to the common council of said city annually, which report shall embrace a statement of the condition and operations of the works; a statement of the funds and securities of said board, and all debts due and owing to and from said board, together with an accurate account of their expenses; which statement shall be certified by said commissioners, and shall be entered of record by the clerk of said city, and published in such manner as said common council may direct.

Sec. 13. Whenever the receipts of said board, from water rates or surplus other sources, shall accumulate so that there shall be a surplus, to be dispo amounting to a sum of not less than five hundred dollars, not needed for the payment of the current expenses or the extension of said works, it shall be the duty of the commissioners, together with the auditor of said city, who shall be associated with them for that purpose, to invest the same in some safe stocks, or upon other real or personal securities. Such investment shall be made in the name of said board, and in such manner as to make the same available for the payment of interest and principal of the bonds issued as aforesaid, as soon as may be. It shall be the duty of said commissioners to pay the interest on such bonds, and as fast as such surplus fund will permit, also the principal, as the bonds become due, as funds for such purpose shall from time to time accumulate. The said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue

new bonds for such amount, and on such time as they shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be cancelled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Oath of of

Sec. 14. Before entering upon the duties of their office, said commissioners shall each take and file with the city clerk an oath or affirmation similar to that provided in the case of other officers of said city.

When me terials to be exempt fr'm execution.

Sec. 15. All materials, procured or partially procured, under a contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the money due for such materials to the judgment creditor of the contractor, under whose execution such material might otherwise have been sold, upon his producing to them due proof that his execution would have so attached; and such payment shall be held a valid payment on the contract.

Member of for sufficient

Sec. 16. Any member of said board of commissioners, may at board may be removed by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and the progeedings in that behalf shall be entered on their journal: Provided, That the said common council shall previously cause a copy of the charges preferred against the commissioner sought to be removed. and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned; and in case of such removal, the common council shall, at their first regular meeting, or as soon thereafter as may be, appoint some person, being a citizen and a freeholder, to fill such vacancy; and the person so appointed to fill such vacancy, may continue in office for the period . his predecessor had to serve.

Vacancies: how filled.

Sec. 17. The said commissioners, and under their direction, their agents, servants and workmen, are hereby authorized to enter upon sioners rela- any land or water for the purpose of making surveys, and to agree with the owner of any property, which may be required by the purposes of this act, as to the amount of compensation to be paid to such owner.

tering upon ands, &c.,

Authority of commis-

Sec. 18. In cases of a disagreement between the commissioners how estima and the owner of any property which may be required for the said of disagree-ment of par- purposes, or affected by any operation connected therewith, as to the ties. amount of compensation to be paid to such owner; or in case any such owner shall be an infant, a married woman, or insane, or absent from this State, the judge of the circuit court of Wayne county may, upon the application of either party, nominate and appoint three disinterested persons to examine such property, and to estimate the value Report. thereof or damage sustained thereby, and to report thereon to the said court without delay.

Sec. 19. Whenever such report shall have been confirmed by the Amount of circuit judge of Wayne county, the said commissioners shall pay to ported the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon the said commissioners shall become seized in fee of such property so required, and shall be discharged from all claim by reason of any such damage.

Sec. 20. And in case of the refusal by any owner or owners, person or persons, to receive such sums awarded to them for property required commiss or damages sustained, then the said commissioners shall deposit with parties refuse to rethe city treasurer the sums so awarded, subject to the draft of said ceive sums owner or owners, person or persons; and thereupon the said commissioners shall become seized in fee of such property so required, and shall be discharged from all claim by reason of any such damage; and said city treasurer shall keep strict account of all sums so deposited, and shall pay out the same on the drafts of the owner or owners, person or persons, to the credit of whom such moneys may have been deposited.

Sec. 21. If any person shall wilfully do or cause to be done, any Penalty for act whereby any work, materials or property whatsoever, erected or wiful misused within the city of Detroit or elsewhere, by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or shall wilfully polute the water, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished therefor as other misdemeanors are punished.

Sec. 22. If any person shall, without the authority of the said Penalty for commissioners, as delegated through any of their agents, perforate or certain of bore, or cause to be perforated or bored, any distributing pipe or

main log, belonging to the water works of said city, or make on eause to be made any connection or communication whatever with the said pipes or logs, every person so offending shall for each offenon forfait a sum not exceeding fifty dollars and costs of prosecution, to be recovered in the mayor's court of said city, or other court of competent jurisdiction.

Power of commiss'ners relative to extend'n pipes, mains

Sec. 23. The said commissioners, in their discretion, shall have power to extend the distributing pipes and mains, and to construct reservoirs, hydrants and jets without the limits of said city; and to regulate, protect and control such portions of said water works without the bounds of said city, in and after the same manner that they regulate, protect and control said works within said bounds.

Duty of commiss'ners.,

Sec. 24. It shall be the duty of said commissioners, at least thirty days before the time fixed by the ordinance of said city for assessing city taxes, to make a special report to the common council of said city, what, if any sum, will be needed by said commissioners over and above the revenue of said board, to meet the payment of interest or principal of the bonds issued as aforesaid; and it shall be the duty of the common council to raise said amount by special tax in the same manner as general taxes, to be designated a water tax; and the said amount shall be paid over to said board by the treasurer of said city.

Commiss'n. be interest ed in any c ontract.

Sec. 25. No one or more of the sald commissioners shall be interers may not ested, either directly or indirectly, in any contract entered into by them with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Certain pro-APR.

Sec. 26. All lands, lots, docks, buildings, machinery, pipes, logs, perty vested hydrants, and all fixtures whatsoever, purchased, designated or used in board of commiss'n- for the present water works of the said city of Detroit, are hereby conveyed to and vested in said board of commissioners, who shall have full power to regulate, protect and control the same; and all the authority, rights and power heretofore exercised and had by said city over said works, are hereby continued to and vested in said board. of commissioners.

Sec. 27. The said commissioners are hereby invested with full Power of power to make and enforce such by-laws, regulations and ordinances tive to byas may be necessary to carry into effect the object and intent of this act, and to supply any power or mode not already specified herein. and shall cause all such by-laws, regulations and ordinances to be entered into a book to be kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of justice.

Sec. 28. All acts or parts of acts contravening the provisions of thic act are hereby repealed.

Sec. 29. This act may at any time be altered, repealed or amended. Approved February 14, 1853.

No. 91.]

AN ACT supplementary to an act to define the limits, jurisdiction and powers of Circuit Courts, approved April eighth, eighteen hundred and fifty-one, and to repeal an act supplementary to said act, approved June twenty-seventh, eighteen hundred and fiftyone.

Section 1. The People of the State of Michigan enact, That all issues of law shall be tried by the court, and all the issues and questions of fact; tions of fact shall be tried by the court, unless a jury be demanded how tried. by one of the parties, in a manner prescribed by the rules of court: Provided, That in all actions of tort, it shall be competent for the court to order the cause to be tried by a jury.

Sec. 2. Upon the trial of a question of fact by the court without Decision of a jury, the decision of the court shall be given in writing, and filed court, how with the clerk on or before the first day of the term succeeding that in which the cause was submitted.

Sec. 3. In giving the decision, the court shall specify the facts found, and the conclusions of law thereon, upon the request of either party.

Sec. 4. Either party desiring a review upon the evidence appearing on the trial, either of the questions of fact or of law, may, within aridence. such time as shall be prescribed by the rules of court, make a bill of exceptions, in the same manner, and with the same effect as upon a

LAWS OF MICHIGAN.

trial by a jury, or a case, containing so much of the evidence as may be material to the question to be raised.

- Sec. 5. The bill of exceptions or case shall be settled as provided by the rules of court.
- Sec. 6. In all civil causes submitted to any circuit court in term time for decision, it shall be competent for the circuit judge to transmit to the clerk or register of such court in vacation, his judgment, order or decree in said cause, specifying in judgment at law the facts found, and the conclusions of law theeron; and thereupon it shall be the duty of the clerk or register to enter in the proper record such judgment, order, or decree, as of the last day of the preceding term; which judgment, order or decree, shall have the same force and effect as if rendered in term time, and execution may issue thereupon as in other cases.
- Sec. 7. Notice of the entry of such judgment, order or decree, shall be given by the clerk or register, in such manner as the circuit court shall, by general or special order direct, to the parties, their attorneys or solicitors.
- Sec. 8. The time prescribed by law within which a writ of error or appeal is to be taken, shall, when the judgment or decree is rendered in vacation, be computed from the day when such judgment or decree shall be actually entered by the clerk or register.
- Sec. 9. The provisions of chapter one hundred and three of the ferised statutes of eighteen hundred and forty-six, as amended, shall be applicable to the returning, drawing, summoning and empanneling of grand and petit jurors, in all cases that are now pending, or may hereafter be commenced in the several circuit courts of this state, with all the provisions relating thereto; and the jurors so returned, drawn, summoned, and empanneled, shall constitute the jury in all the matters which are, by law, to be investigated by a grand or petit jury.
 - Sec. 10. That the act entitled an act supplementary to an act to mits, jurisdiction and powers of circuit courts, approved, eighteen hundred and fifty-one, providing the mode of in the circuit court without a jury, approved June 1th, eighteen hundred and fifty-one, be and the same is ealed.

¹ February 14, 1853.

[No. 92.]

AN ACT to amend sections five and six of an act to organize the county of Cheboygan.

SECTION 1. The People of the State of Michigan enact, That section five of an act to organize the county of Cheboygan, approved No. 20 of 1852, aman-January twenty-nine, eighteen hundred and fifty-three, be amended by ded. striking out in the second line the word "west," and inserting "east;" so that said section will read as follows:

I. |" Sec. 5. All that part of the township of Cheboygan which lies east Boundaries of the middle of the main channel of Mullet Lake and Cheboygan ship of Duncan."

River, and of a line extended due north from the mouth of said river to the north bounds of the county, shall be organized into a separate township, by the name of Duncan; and the first township meeting therein shall be held at the hotel in the village of Duncan."

Sec. 2. That section six of said act be amended so as to read as section 6 amended. follows:

"Sec. 6. The county seat of said county is hereby fixed and established at the village of Duncan, on Cheboygan Bay, in said county."

Approved February 14, 1853.

[No. 93.]

AN ACT making an appropriation to aid the Michigan State Agricultural Society, and to provide for publishing the annual reports of said Society.

SECTION 1. The People of the State of Michigan enact, That there be and is hereby appropriated out of the treasury of this State, the sum of one thousand dollars, each year, for the years eighteen hunhundred and fifty-three and eighteen hundred and fifty-four, to the Michigan State Agricultural Society, for the payment of premiums, to be paid by the State Treasurer to the treasurer of said society, on the warrant of the Auditer General: Provided, That the treasurer of Proviso. said society shall, on or before the fifteenth day of October in each year, make, subscribe, and deposit with the Auditor General, his affidavit that said society has raised for the year a like sum of one thousand dollars, by voluntary subscriptions and fees of membership.

Sec. 2. That two thousand copies of the annual report of the of Mi-Michigan State Agricultural Society be printed and bound annually, Ag. Society. under the supervision of the Secretary of State, in the same manner and form as the report of the Superintendent of Public Instruction for the year eighteen hundred and fifty-two; and when so completed, Daty of 80- the Secretary of State shall reserve thirty copies for the use of the State Library, and shall deposit with the Auditor General, one copy for each organized township in this State, to be sent by him to each township for the use of the library thereof, and the remaining copies shall be forwarded by the Secretary of State to the secretary of the Michigan State Agricultural Society, for the use of said Society, under the control of the executive committee.

Approved February 14, 1853.

[No. 94.]

AN ACT to amend section two of chapter one hundred and three of revised statutes of eighteen hundred and forty-six, relative to trial of issues of fact.

5ec. 2, chap ter 103, R.

Section 1. The People of the State of Michigan enact, That section two of chapter one hundred and three of the revised statutes of eighteen hundred and forty-six be amended so as to read:

- "Sec. 2. Issues of fact joined in such actions shall be tried in the proper county, as follows:
- 1. Actions for the recovery of any real estate, or for the recovery of the possession of real estate, actions for trespass on land, and actions of trespass on the case, for injuries to real estate, shall be tried in the county where the subject of the action shall be situated:
- 2. Actions of slander, for libels, and all other actions for wrongs, and upon contracts, shall be tried in the county where one of the parties shall reside at the time of commencing such action, unless the court shall deem it necessary for the convenience of parties and their witnesses, or the purposes of a fair and impartial trial, to order any such issues to be tried in some other county; in which case the same shall be tried in the county so designated."

Approved February 14, 1853.

[No. 95.]

AN ACT to authorize the Governor to convey certain land to the "First Universalist Church," and the "First Wesleyan Methodist Church and Society," in Lansing.

SECTION 1. The People of the State of Michigan enact, That the Governor Governor be and he is hereby authorized and required to make, exe-relative to execution s cute and deliver to the proper officers of the "First Universalist delivery of the Church" in Lansing, capable of receiving deeds and conveyances of First Uniland, a deed of any lot in the village of Lansing heretofore selected Lansing. and set apart for the First Universalist Society in Lansing, by virtue of "an act granting to school districts and religious denominations of professing christians, suitable grounds in the town of Michigan owned by the State, whereon to erect houses for public worship and school houses," approved April third, eighteen hundred and fortyeight: Provided, That said deed shall not be delivered until satisfac- Proof of ortory proof shall be made to the Governor of the due organization of necessary. said First Universalist Church in Lansing, and the election or appointment of its officers, according to the provisions of law.

Sec. 2. The Governor is hereby authorized and required to make, Duty of execute and deliver to the proper officers of the "First Wesleyan Governor relative to Methodist Church and Society" in Lansing, capable of receiving deed. deeds and conveyances of land, a deed of any lot in the village of Lansing, heretofore selected and set apart for the "First Wesleyan Methodist Church and Society" in Lansing, by virtue of "an act granting to school districts and religious denominations of professing christians, suitable grounds in the town of Michigan, owned by the State, whereon to erect houses of public worship and school houses,', approved April third, eighteen hundred and forty-eight: Provided, Proviso. That said deed shall not be delivered until satisfactory proof shall be made to the Governor of the due organization of said "First Wesleyan Methodist Church and Society" in Lansing, and the election or appointment of its officers, according to the provisions of law.

Sec. 3. That the Governor of this State is authorized to issue to Authorise the proper officer or officers of any "Catholic Church or Society", of Govern'r to issue pasthat is now or may hereafter be located in the village of Lansing, a olio Church patent for such lot as such Church or Society may select in the vil- Lansing.

lage of Lansing, now owned by the State, for the purpose of erecting and maintaining a house of worship thereon; the issuing of such patent to be controlled by the provisions of sections one and two of this act, and no more than one lot shall be patented under this section.

Approved February 14, 1853.

[No. 96.]

AN ACT to amend sections seventeen and eighteen of chapter one hundred and three of the revised statutes of eighteen hundred and forty-six.

Sections 117

SECTION 1. The People of the State of Michigan enact, That secand 18, chap.

103, R. S. of tions seventeen and eighteen of chapter one hundred and three, of the
1846 amendrevised statutes of eighteen hundred and forty-six, be amended so as to read as follows:

Duty of clerk relative to drawing of iurors,

"Sec. 17. At least three days before the drawing of such jurors, the clerk shall give notice to the sheriff and two justices of the peace of said county, of the day and hour when such drawing will take place."

Duty of Shcriff.

"Sec. 18. At the time so appointed, it shall be the duty of the sheriff of the county, in person, or by his under sheriff, and the justice aforesaid, to attend at the clerk's office of the county, to witness such drawing; and if any two of said officers shall attend at the time and place appointed, the clerk shall proceed in their presence to draw the jurors."

Sec. 2. This act shall take effect immediately.

Approved February 14, 1853.

[No. 97.]

AN ACT to provide for a meeting of the State Board of Equalization in eighteen hundred and fifty-three.

Board of Equalizat'n; en and

Section 1. The People of the State of Michigan enact, That the State Board of Equalization be and they are hereby required to meet at the Capitol, in the village of Lansing, on the third Monday of August, in the year one thousand eight hundred and fifty-three, and after organizing as required by law, shall proceed to examine the Their detabular statements of the board of supervisors of each county provided for in the fourth section of this act, and to hear the representatives from the several boards of supervisors as hereinafter provided, and they shall determine whether the relative valuation between the several counties is equal and uniform, according to location, soil, improvements, productions and manufactures; and also, whether the personal estate of the several counties has been uniformly estimated; according to the best information which can be derived from the statistics of the State, or from any other source.

Sec. 2. If after such examination such assessment shall be determined Assessments relatively unequal, they shall equalize the same by adding to or de-ativ ducting from the aggregate valuation of taxable real and personal equalization estate in such county or counties, such an amount as will produce relative equal and uniform valuations between the several counties in the State, and the amount added to or deducted from the valuation in each county shall be entered upon their records; and the valuations of the several counties, as equalized, shall be certified and signed by the chairman and secretary of the board, and filed in the office of the Auditor General, and shall be the basis for apportioning all State taxes until another equalization shall be made.

Sec. 3. It shall be the duty of the Auditor General, as soon as may Duty of Aube after the determination of the State Board of Equalization shall ditor Genebe filed in his office, as provided in the preceding section, to send a certified transcript of the same to the treasurer of each county, who shall cause the same to be published in one or more papers in the county.

Sec. 4. A meeting of the board of supervisors for the year Meeting of eighteen hundred and fifty-three, shall be held on the second Mon-board of suday of June of said year; and when convened, the board shall pro-when held. ceed to equalize the assessment rolls, and their clerk shall certify and Duties of return such equalization to the Auditor General in the manner and Duty of at the time prescribed by the act establishing a State Board of Equal-clerk. ization, approved April seventh, eighteen hundred and fifty-one, except as herein otherwise provided.

Approved February 14, 1853.

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RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION of a vote of thanks to Capt. A. Canfield.

Resolved by the Senate and House of Representatives of the State of Michigan, That the thanks of the Legislature of the State of Michigan are hereby tendered to Capt. A. Canfield, of the Popographical Corps of Engineers of the United States, for his voluntary and valuable services to this State, in the survey, plans and estimates, as presented to this Legislature, for the construction of the Sault Ste. Marie canal.

Approved January 14, 1853.

[No. 2.]

JOINT RESOLUTION authorizing the appointment of watchmen about the capitol.

Resolved by the Senate and House of Representatives, That the Secretary of State be authorized to employ two suitable persons, to act as a night watch in and about the capitol, during the session of the Legislature, for the prevention of fires; to be paid out of the State Treasury.

Approved January 14, 1858.

[No. 3.]

JOINT RESOLUTION relative to the printing of a Manual.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Committe on Printing, in the Senate and House of Representatives, are requested to procure the publication of one copy of a Manual for each member of the Senate and House of Representatives and the officers thereof, containing the same subject matter as the Manual of the last session.

Approved January 14, 1853.

[No. 4.]

JOINT RESOLUTION.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the terms of the Supreme Court to be held at Lansing, agreeably to an act entitled "an act to provide for the erganization and powers of the Supreme Court," approved April fourth, eighteen hundred and fifty-one, shall, until a court room be provided therefor, be held in the library room in the State Capitol; and the Secretary of State is hereby directed to make the necessary arrangements for the suitable accommodation of said Court.

Approved January 19, 1853.

[No. 5.]

JOINT RESOLUTION relative to the erection of certain Light Houses on Lakes Superior and Michigan.

Whereas, It is deemed important and necessary, for the safe navigation of the waters of Lakes Superior and Michigan, that light houses be erected by the United States at the following points, vis: On Lake Superior, one on the Island off Point Aux Chenes, at the head of St. Mary's River; one at Point Irequois; one at the east entrance of Grand Island Harbor; [one at the west entrance of Grand Island Harbor;] and one at Madeline Island, off La Point; two at suituable places on Isle Royal; and one on Stannard's Rock: and

on Lake Michigan, one at Old Mackinaw Point, and one at Beaver Harbor; one at the mouth of the Manistee River; one at the metale of the Pierre Marquette River, and one at the mouth of the White River, on the east side of Lake Michigan; and one on the west and of Hog Island, in Detroit River;

Resclued by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested, to use their influence with the proper authorities at Washington, to procure the speedy erection of said light houses.

Resolved, That the Governor be requested to forward a copy of this preamble and resolutions, to each of our Senators and Representatives in Congress.

Approved January 19, 1853.

[No. 6.]

JOINT RESOLUTION relative to certain school lands.

Resolved by the Senate and House of Representatives, That the Commissioner of the State Land Office be and he is hereby authorized and direced to restore to Gardner D. Williams, all the rights which have become forfeited in consequence of non-payment of interest on primary school lands, in the township of Saginaw, in Saginaw county, certificates numbered three thousand two hundred and twenty, for north-west quarter of north-west quarter of section sixteen, town twelve north, range four east: Provided, The said Williams shall, on or before the first day of March next, pay or cause to be paid to the State Treasurer all arrearages of principal, interest and penalties accruing on said lands, in consequence of neglect to pay the interest as prescribed by law.

This resolution shall take effect immediately.

Approved January 20, 1853.

14, 14

[No. 7.]

JOHNT RESOLUTIONS saling an additional shoration of the public lands to the Michigan University. Fund.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators be instructed and our Representatives in Congress be requested to use their exertions to procure the passage of an act by Congress, granting to the University of Michigan three townships of land in the State of Michigan, to be and semain a perpetual fund of that institution; the same to be selected by an agent appointed by the Governor, or in such manner as Congress may direct.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolutions.

Approved January 21, 1853.

[No. 8.]

JOINT RESOLUTION relative to a grant of lands to aid in constructing a rail road to the Upper Peninsula of Michigan.

Whereas, Congress, by grant of lands to several States to aid in constructing certain railroads, has established the precedent of making such grants for roads national in their character;

And whereas, There exists upon the south shore of Lake Superior numerous and rich mines of iron and copper, now sought to be worked by citizens of many States;

And whereas, It is at present impossible for those inhabiting the mining country to export the products of their labor, or to receive supplies during seven months, in every year;

And whereas, The growing wants of that country, and the various commercial interests which exist between it and other portions of the State and other States, require permanent and reliable means of intercourse:

And whereas, Such object, national in its character, would be attained by the construction of a rail road running mainly through gov-

emment lands, bringing them into market and aiding their sale, settlement and improvement; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to urge the passage of a law by Congress granting lands to aid in the construction of a rail road from Pontiac, the present terminus of the Detroit and Pontiac rail road, to the shore of Lake Michigan, in the county of Mason, in the State of Michigan, and from the opposite shore at or near Mantowoc, Wisconsin, to Ontonagon river, on Lake Superior, with a branch to Kewawanaw Point, and also a branch to the vicinity of Iron Bay.

Resolved, That the Governor be requested to forward copies of the foregoing preamble and resolution to the Senators and Representatives in Congress from this State.

Approved January 24, 1853.

[No. 9.]

JOINT RESOLUTION relative to the claim of the State against A. St. Amand, late Treasurer of Genesee County.

Resolved by the Senate and House of Representatives of the State of Michigan. That the Auditor General be and he is hereby authorized and required to receive propositions for the settlement and adjustment of the claim of the State against Augustus St. Amand, late treasurer of Genesee county, and the suit now pending against him, and to settle and adjust the same, if practicable, on such terms and in such manner as to him shall seem most advisable; and that he be authorized, in adjusting the same, to make all necessary contracts or agreements in regard to incumbrances on the property attached in said suit, for the removal of the same by relinquishing a portion of the property attached or otherwise, and to take and receive said property, or other property, in the settlement or adjustment of said claim, on such terms and at such prices as shall seem reasonable after due investigation: Provided, said claim shall not be settled for a sum less than the amount due, after deducting necessary expenses and costs of suit and collection, unless in the opinion of the Auditor General it would be for the interest of the State so to do; and unless the

property attached is found to be of not sufficient value, over and above the incumbrances, to liquidate the same.

This joint resolution shall take effect immediately.

Approved January 24, 1853.

No. 10. |

JOINT RESOLUTION requiring the trustees of the Michigan Central College, at Spring Arbor, to report, as required by the fifth section of the act of incorporation.

Resolved by the Senate and House of Representatives, That the trustees of the Michigan Central College, at Spring Arbor, be required to report to this Legislature during its present session, its financial condition, in accordance with section five of an act of incorporation of said College, and that the Secretary of State immediately transmit a copy of this resolution to said trustees.

Approved January 27, 1853.

[No. 11.]

JOINT RESOLUTION relative to the Tecumseh and Ypsilanti Rail Road Company.

Resclved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and required, to make examination of the matters of difference between the Ypsilanti and Tecumseh Rail Road Company and the State, as also of the claims of relief of the several persons who became sureties for said company, for the loan made of the State; and upon such examination the said board shall grant such relief as they or a majority of them shall deem just and equitable: Provided, They shall not be authorized to make any allowance of money to be paid out of the treasury.

Resolved, That said Board of Auditors, in case they shall deem it just and equitable to release any securities given to the State on account of said loan, shall, under their hand and seal, grant a certificate of such release, which shall be entitled to be placed on record in any register's office where said securities may be recorded: Pro-

vided. That this resolution, or any action under it, shall in no case be construed as in any wise recognising any right of said company, or any parties claiming under it, to construct, own stock, or run any rail road, by virtue of any chartered rights heretofore granted.

Approved January 29, 1853.

[No. 12.]

JOINT RESOLUTIONS relative to the Public Domain.

Resolved by the Senate of the State of Michigan, the House of Representatives concurring herein, That our Senators and our Representatives in Congress be requested to use their influence to procure the passage of a law securing the title to every landless head of a family, free of charge, one hundred and sixty acres of land from our public domain, who shall settle and cultivate the same for five years.

Resolved, That the Governor be respectfully requested to transmit a copy of this resolution to our Senators and Representatives in Congress.

Approved January 29, 1853.

[No. 13.]

CONCURRENT RESOLUTION relative to Stannard's Rock, in Lake Superior.

Resolved by the Senate and House of Representatives of the State of Michigan, That in view of the imminent danger to the safety of navigation of Lake Superior, in consequence of Stannard's Rock (so called) being situated in or near the sailing route between the southeast end of Kewawanaw Point and the harbor of Grand Island, and the river St. Mary's, many miles from land; that our Senators and Representatives in Congress be requested to take the most prompt and efficient measures practicable to procure a survey of the positions and dimensions of said rock, and such other means as shall secure the safety of navigation in its vicinity.

Approved January 29, 1853.

[No., 14.]

JOINT RESOLUTION relative to the distribution of the Session Laws, Journals and Documents of the Legislature, for the year eighteen hundred and fifty-three.

Resolved by the Senate and House of Representatives of the State of Michigan, That the members and officers of the present Legislature be and they are hereby entitled to one copy of the Session Laws passed in the year eighteen hundred and fifty-three; also the Journals and Documents of the Legislature of said year; and the Secretary of State be and he is hereby authorized and required to forward one copy of each to the several members and officers of this Legislature by forwarding the same to the county clerk of the several counties of this State in which the members or officers reside, so soon as the same may be printed, bound, and ready for delivery.

Approved January 31, 1853.

[No. 15.]

JOINT RESOLUTION relative to Contingent Fund.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized and required to transfer on the books of his office to the general fund, all moneys now in the contingent fund and unappropriated, except the sum of one thousand dollars, which shall be retained to the credit of said contingent fund.

Resolved, That this resolution shall be in force from and after its passage.

Approved February 3, 1858.

No. 16.]

JOINT RESOLUTION relative to issuing a duplicate warrant to Isaac N. Swain.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized to issue to Isaac N. Swain, a duplicate warrant on the Internal Im-

provement Fund, for Warrant Number, 7536, dated February 8th, 1843, for thirty-four and twenty-sixth hundredth dollars, upon satisfactory evidence being given to the Auditor General, that said warrant has been lost: And provided, That the said warrant has not heretofore been paid, by the State: Previded, Said Isaac N. Swain, or some other person on his behalf, shall first give to the State of Michigan a good and sufficient bond, to be approved by the Auditor General, indemnifying the State against the payment of the said warrant heretofore issued.

Approved February 4, 1853.

[No. 17.]

JOINT RESOLUTION relative to the Chippewa Indians of Lake-Superior.

Whereas, By articles of treaty made and concluded at La Points, of Lake Superior, October fourth, eighteen hundred and forty-two, between the United States and the Chippewa Indians of the Mississippi and Lake Superior, the country occupied by said Indians was caded to the United States; and in consideration of said cession, the United States engaged "to pay to the Chippewa Indians of the Mississippi and Lake Superior, annually, for twenty-five years, twelve thousand five hundred dollars in specie; ten thousand five hundred dollars in goods," and other payments, and to provide certain officers, schools, &c., for said Indians;

And whereas, It also provided by said treaty that said annuities. "shall henceforth be equally divided among the Chippewas of the Mississippi and Lake Superior, party to this treaty, so that every person shall receive an equal share;" which said annuities to that portion of said Chippewas residing in the Lake Superior district have heretofore, until about two years past, been paid at La Pointe, of Lake Superior, and for the past two years have not been paid to said Chippewas of Lake Superior, in consequence of their great distance from the present point fixed for said payments, at Sandy Lake, near the head waters of the Mississippi, which point they are unable to reach, and return to their homes on Lake Superior before the rigors of winter have barred their passage;

And whereas, It is believed the cause of the change in place of payment on the part of the United States, is owing to the desire of the general government to hasten the removal of said Chippewas of Superior, to lands not ceded in said treaty, the policy and propriety of said removal being, in our opinion, based upon the belief which has gained strength from the usual degeneration of the habits of Indians at the approach of civilization, that they are unfitted to become useful citizens, and their presence pernicious to the promotion of morality, christianity, and the arts and improvements of civilized life;

And whereas, That portion of said Chippewas embraced in said treaty, now settled at L'Ance and vicinity, on Lake Superior, in the State of Michigan, who have been unable to receive their share of said annuities for the past two years, for the reasons aforesaid, now number upwards of one hundred families; have abandoned the wandering habits and war-like pursuits which characterize the red men of the forest, for the peaceful occupations and christian precepts of the white man; have learned our language and our laws, and cordially yield obedience thereto; have accepted the boon tendered to them by the people of the State of Michigan, on the adoption of its constitution, by disbanding their organization in tribes, and becoming electors under that constitution; have exercised the right of suffrage in a manner which shows their intelligence and discrimination, and their fitness for the enjoyment of the high privileges of American citizens; have purchased and become the actual and legal owners of tracts of land to the amount of about one thousand acres, upon which they now reside, and much of which they have cultivated and improved; have learned and are now in the constant practice of the arts of husbandry and the mechanic arts; raise a considerable amount of stock, grains and vegetables, which have become indispensible to the operatives in the mining districts of Lake Superior; have established schools, in which the English language, and the ordinary routine of an English education are taught to their youth; have erected school houses and churches, and have become moral, industrious, sober and useful inhabitants, having an ardent desire to remain in peace and social harmony with the citizens of the Upper Peninsula of Michigan, and there to receive the share to which they are entitled under the treaty aforesaid;

And valereas, The citizens residents in their vicinity manimously desire that the Chippewas aforesaid should remain among them, and have petitioned, in accordance with the desire of said Indians, that their annuities should be paid them at L'Ance, on Lake Superior;

And whereas, The payment of said annuities at that place can be made more economically to the General Government than at Sandy Lake, and requiring said Indians to go from their homes at L'Ance to the place of payment, would tend not only to cause them great loss of time, and much embarrassment, delay, and expense, but would also tend to efface from their minds the salutary precepts of their instructors, and to lead them from their present habits of sobriety, temperance, and industry, to their original wandering habits, and to irregularities and intemperance, from the contaminating influence of the example of their red brethren, who are not, like them, improved in the arts and virtues of civilization;

And whereas, By requiring said Indians permanently to remove from their residence, they would be obliged to abandon their farms, school houses, and churches, and their instructors would be brought into the vicinity of their natural enemies, the Sioux, and into permanent contact with their brethren who have as yet made little improvement; and such removal would evidently tend to degenerate them, and cause them to return to their former state, and to the pursuits of savage life;

And whereas, It is understood that the general government has dispensed with the farmer, blacksmith, carpenter, and school, and sold the oxen heretofore provided for said Indians, under the treaty aforesaid, and for the purpose, as is believed, to hasten their removal from their present residence; which provisions in said treaty are now not only useful but necessary for the continued improvement of said Indians;

And whereas, In the opinion of the Legislature, the payment of said annuities, and the restoration of said officers, school, and oxen, without requiring the removal of said Indians, is manifestly equitable, would tend to bind them with the strong cords of love and affection to the white population, to our government, to the cause of education, and the divine precepts of morality and christianity, which are the

foundation of our political strength, preserving uncontaminated by ignidance and deep the parity of our political principles, and the permanentry of our free institutions, and would tend, in some small degree, to mitigate the wrongs of an injured race, second to none in the exalted attributes of magnanimity, generosity, and gratitude, but whose destiny has seemed to be to retire at the approach of enterprise, and disappear as civilization advances; therefore

Resolved by the Sciente and House of Representatives of the State of Michigan; That our Scientors and Representatives in Congress be earnestly requested to make the necessary applications, and to urge the passage of such laws as may be requisite to provide for the payment to the Chippewa Indians, now residing at L'Ance and vicinity, on Lake Superior, of their pro rata amount of the annuity guarantied to them by the treaty made between the United States and the Chippewa Indians, October fourth, eighteen hundred and forty-two, and that they may not be required to remove from lands selected, purchased, and owned and occupied by them, or from their present residence, at and near L'Ance aforesaid; and that the annuities now due them, and hereafter to become due to them, may be paid at L'Ance, on Lake Superior; and the offices of farmer, blacksmith, and carpenter, and their school and oxen be restored to the Indians aforesaid.

Resolved further, That the Governor of this State be requested to forward copies of these resolutions to our Senators and Representatives in Congress, to the President of the United States, and the heads of the departments of the general government.

Approved February 9, 1853.

[No. 18.]

JOINT RESOLUTION relative to conveyance of lot in Lansing to the trustees of the Baptist Church.

Resolved by the Senate and House of Representatives, That the Secretary of State be and he is hereby authorized and directed to issue a deed for the conveyance of lot number one in block numbered ninety-five, on section sixteen in the village of Lansing, to the trustees of the First Baptist Church and Society of said village, for

the purpose of a church lot, upon the express condition that the said trustees surrender to the State of Michigan the deed by which said State of Michigan conveyed to said trustees lot number one, block installer one hundred and twenty-six.

Approved February 10, 1853.

No. 19.

PREAMBLE AND JOINT RESOLUTIONS instructing our Senators and requesting our Representatives in Congress to act relative to a declaration of the views of the United States respecting Colonization on the American Continent by European Powers.

Whereas, The Congress of the United States has now under consideration a joint resolution declaring that the "American Continent, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power;" that while existing rights should be respected, and will be by the United States, they owe it to their own safety and interest to announce "that no future European colony or dominion shall, with their consent, be planted or established in any part of the American Continent;" and that should the attempt be made, the Congress of the United States will deliberately declare that it will be viewed as an act originating in motives regardless of their interest and their safety, and which leaves them free to adopt such measures as an independent nation may justly adopt in defence of its rights and its honor;

And whereas, While the said resolution disclaims any design upon the Island of Cubs, inconsistent with the laws of Nations, and with the duties which the United States owe to Spain, it asserts the vast importance of making known in the most solemn manner that the Government and people of the United States will view all efforts on the part of any other Power to procure possession, whether peaceably or forcibly, of that Island, as unfriendly acts, directed against our own Government, to be resisted by all the means in our power;

And whereas, The policy and sentiment expressed in said joint resolution, before the Congress of the United States, as well as the patriotic and statesman-like course of our distinguished Senator, Lawis Cass, in relation to the future public safety and welfare of our country, as connected with this important subject, are in accordance with the sentiment and views of a majority of the people of the State of Michigan; therefore,

Resolved, That our Senators in Congress be instructed and our Representatives requested to vote for the passage of the same.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved February 10, 1853.

No. 20.]

JOINT RESOLUTION for the relief of Almon Whipple.

Resolved by the Senate and House of Representatives, That the Auditor General is hereby authorized and required to issue to Almon Whipple, land warrants in the place of those now held by him, dated and numbered respectively, as follows: One numbered sixteen hundred and sixty-six, dated Lansing, August twenty-ninth, eighteen hundred and fifty, and for fifty dollars; one dated January tenth, eighteen hundred and fifty, and numbered fourteen hundred and twenty, for fifty dollars; one numbered sixteen hundred and forty, and dated July twenty-fifth, eighteen hundred and fifty, for one hundred dollars. Said warrants are only to be issued on surrendering those now in his possession to said Auditor General, for equal amounts; the time for which the said warrants were made receivable at the Land Office having expired.

. Approved February 12, 1853.

[No. 21.]

JOINT RESOLUTION authorizing the Board of State Auditors to allow certain claims against the State.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to allow and pay all bills against the State for supplies furnished the Legislature at the present session, upon the certificate of the committee on supplies of the respective Houses that such bills are correct.

Approved February 12, 1853.

No. 22.]

JOINT RESOLUTION relative to an exchange of lots with the First Presbyterian Society of Lansing.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and is hereby authorized and required to issue a patent to the trustees of the first presbyterian society of Lansing, for lots one and two of block eighty-two, in the village of Lansing, on the surrender by said trustees of the certificates of purchase for said lots, and of the patent heretofore issued to them for lot one of block one hundred and twenty-seven in said village.

Approved February 12, 1853.

[No. 23.]

JOINT RESOLUTION relative to refunding money twice paid for certain primary school lands.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be authorized and required to audit, adjust and direct to be credited upon certificates issued for certain primary school lands, Nos. 3664, 3665, 3666, 3667 and 3668, for the re-sale of said lands, October fourteenth, eighteen hundred and fifty-two, the amount paid on certificates before issued for the same lands, and numbered 756, 991, 1006, 1007 and 1415,

which were allowed to be forfeited in consequence of said last named certificates being fraudulently withheld from the purchaser of said lands, so that title to said lands could not be acquired thereunder, and the Commissioner of the State Land Office is hereby required to credit to the purchaser of said lands holding the first named certificates, the amount which may be audited and allowed by the Board of State Auditors.

Approved February 12, 1853.

[No. 24.]

PREAMBLE and Joint Resolution relative to certain State Building Lands.

Whereas, by an act of Congress, passed on the twenty-third day of June, eighteen hundred and thirty-six, entitled "an act supplementary to an act entitled 'an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions therein expressed,'" it was, among other things, provided "that five entire sections, to be selected and located under the direction of the Legislature, in legal subdivisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States, within said State, are hereby granted to the State for the purpose of completing the public buildings of the said State, or for the erection of public buildings at the seat of government of the said State, as the Legislature may determine and direct;"

And whereas, Under the aforesaid provisions of said act of Congress, the Legislature of this State caused to be selected entire fractional section twenty-five, town seven north of range twelve west, as a part of such five sections;

And whereas, On the sixteenth day of January, A. D. eighteen hundred and forty-three, Willard Sibley became the purchaser, from the State of Michigan of the north half of lot two of said fractional section, at the rate of sixteen dollars per acre, under the provisions of act number sixteen of the Session Laws of one thousand eight hundred and forty-two, and received a certificate of purchase therefor, containing a covenant on the part of the State of Michigan to give

to said Sibley or his assigns, a patent for said land, [on payment of the purchase money and interest thereon as the same should become due under said act;

And whereas, The said Sibley and his assigns have in all respects complied with the conditions of said certificates of purchase, and have paid the State in full therefor, but the patent for said land has hitherto been withheld from said purchaser, in consequence of an adverse claim having been set up to said land;

And whereas, also, A suit is now pending in the circuit court of the United States for the District of Michigan, against the assignee of said Sibley, to eject him from said land, in which suit the title of the State to said land is involved;

And whereas, also, In the opinion of this Legislature, the State of Michigan has a clear and valid title to said land; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of the State of Michigan may, in his discretion, issue to said Sibley, or his lawful assigns, a patent for the north half of said lot two, in accordance with the conditions of said certificate; and further, that he take such measures, as in his judgment, shall be proper and necessary to protect the title of the State to the balance of said land.

Approved February 14, 1853.

[No. 25.]

JOINT RESOLUTION relative to printing Acts of the Legislature of eighteen hundred and fifty-three, in relation to St. Mary's Canal.

Resolved by the Senate and House of Representatives of the State of Michigan, That one thousand copies of the acts relative to the construction of the Sault Ste. Mary's Canal, passed at this session, be printed for the use of the Canal Commissioners, the Governor and Engineer.

Approved February 14, 1853.

• . .) •

APPENDIX,

CONTAINING THE

STATE TREASURER'S ANNUAL REPORTS

FOR THE YEARS 1851-'52.



APPENDIX.

ANNUAL REPORT of the State Treasurer for the year eighteen hundred and fifty-one.

STATE TREASURER'S OFFICE, Lansing, Mich., January 1st, 1852.

To his Excellency, ROBERT McCLELLAND,

Governor of the State of Michigan:

I beg leave to submit herewith, as I am by law required to do, statements showing the condition of the several funds for the fiscal year ending November 30, 1851.

The balance in the treasury on that date was ninety-seven thousand, three hundred and ninety-one dollars and twenty-one cents, (\$97,391 21.)

During the fiscal year which is past, all demands upon the general fund have been promptly met including the semi-annual interest on our State debt, and funds have also been provided to meet promptly the interest due this day.

It affords me pleasure to say that sufficient funds have accumulated in the treasury, added to the prospective receipts of the coming month, to justify the Fund Commissioners of the State to advertise for and call in one hundred thousand dollars of the bonds of the State in accordance with the provisions of Act No. 200 of the laws of 1848, under which law the said Commissioners have advertised to receive proposals till the first of March next.

Very respectfully,

B. C. WHITTEMORE,

State Treasurer.

State Treasurer of Michigan in account with the State of Michigan. DR.

| T | o balanc | e in | Treasury Nov. 30, 1850 | \$36,057 | 85 |
|----------------------------|--|--|---|---|----------------------------------|
| " | receipts | ac | c't of general fund | 210,049 | 22 |
| " | " " | " | int. imp. " | 100,900 | 57 |
| " | " | " | pri. school " | 40,540 | 22 |
| " | 46 | 46 | university " | 11,534 | 52 |
| " | 66 | 66 | pri. sch'l int. fund | 35,044 | 27 |
| " | 66 | " | university int. " | 9,724 | 53 |
| " | " | " | State building " | 1,453 | 57 |
| " | ** | 66 | asylum " | 729 | 95 |
| 66 | ** | " | N. school end't" | 3,601 | 05 |
| " | " | 66 | N. school int. " | 206 2 | 28 |
| 66 | " | 46 | Mich. S. R. C. deposits | 606 (| 00 |
| - - | | - | | 450,448 | 03 |
| | | | | | |
| | | | CR. | | |
| | | | CR. | | |
| Ву | am't pa | aid o | CR. out on acc't of general fund, | \$1 49 ,725 (| 97 |
| By " | am't pa " | | | | |
| - | _ | i | out on acc't of general fund, | | 82 |
| " | " | i] | out on acc't of general fund, | 139,162 | 82 29 |
| " | " | i I | out on acc't of general fund, nternal improvement fund primary school interest " | 139,162 4 49,160 9 | 82 29 91 |
| 66 | " | i I V | out on acc't of general fund, nternal improvement fund primary school interest " university interest " | 139,162 4 49,160 9 9,827 1 | 82 29 91 50 |
| 66 66 66 | 66 66 66 | ii U | out on acc't of general fund, nternal improvement fund primary school interest " university interest " contingent " | 139,162 4 49,160 9 9,827 1 337 4 | 82 29 91 50 81 |
| 46 46 46 46 | ee ee ee | ii U c l t | out on acc't of general fund, nternal improvement fund primary school interest " university interest " contingent " M. C. R. R. deposits | 139,162 4 49,160 9 9,827 1 337 4 141 8 | 82 29 91 50 81 |
| 46 46 46 46 46 | « « « « « | ii U c l t | out on acc't of general fund, to internal improvement fund | 139,162 4 49,160 9 9,827 1 337 4 141 4 26 6 | 82 29 91 50 81 00 |
| 66 66 66 66 66 | « « « « « « | ii U C I t | out on acc't of general fund, onternal improvement fund primary school interest " miversity interest " contingent " C. R. R. deposits reasury notes burned asylum fund | 139,162 4 49,160 4 9,827 1 337 4 141 4 26 6 1,577 1 | 82 29 30 81 80 18 |
| | 66 66 66 66 66 66 66 | " receipts " " " " " " " " " " " " " " " " " " " | " receipts ac " | "receipts acc't of general fund """ int. imp. " """ pri. school " """ pri. sch'l int. fund """ university int. " """ State building " """ asylum " """ N. school end't" """ N. school int. " """ Mich. S. R. C. deposits | " receipts acc't of general fund |

APPENDIX.

Ledger Balances November 30, 1851.

DR

| | ••• |
|-------------|---|
| 1851. | |
| Nov. 30. | Cash\$97,391 21 |
| " | Internal improvement fund |
| " | University interest fund |
| 66 | State building fund |
| " | Asylum fund |
| Total . | \$397,863 51 |
| | CR. |
| 1851. | O16. |
| Nov. 30. | General fund \$108,222 12 |
| " | Primary school fund |
| " | University fund |
| " | Primary school interest fund |
| • | Contingent fund |
| ٠ (د | Michigan C. R. R. Co. deposits 2,517 96 |
| 66 , | Treasury notes 873 00 |
| " | Normal school endowment fund |
| 66 | Normal school interest fund |
| " | Mich. S. R. R. Co. deposits |
| Total | \$397,863 51 |
| 1000 | |
| • | GENERAL FUND. |
| | DR. |
| 1851. | |
| | To warrants paid during fiscal year, \$149,725 97 |
| " | " transferred to university interest fund, 1,022 88 |
| 66 | " " internal improvement tund, 40,308.89 |
| 46 | " contingent fund, 6,000 00 |
| 66 | " primary school int. fund, 15,173 10 |
| | " normal school interest fund, 171 40 |
| " | " balance Nov. 30, 1851, |
| Total | \$320,624 36 |

CR.

| | CR. | | |
|----------------------|-------------------------------------|----------------------------|-----|
| Nov. 30. | By balance Nov. 30, 1850, | \$110,550 | 14 |
| • | " receipts during fiscal year, | 210,049 | 22 |
| às | " transferred to asylum fund, | 2 5 | 00 |
| m | | 4900 004 | 200 |
| 1.0091 | | | 30 |
| | INTERNAL IMPROVEMENT FUND. | | |
| | DR. | | |
| 1851. | | | |
| Nov. 30. | To balance Nov. 30, 1850, | \$294,753 | 11 |
| ** | " warrants paid during fiscal year, | 139,162 | 82 |
| Total, | | .:.\$433,915 | 93 |
| | | | === |
| | CR. | | |
| Nov. 30. | By receipts during fiscal year, | | |
| # | " transferred from general fund, | | |
| 44 | " bslance Nov. 30, 1851, | 292,706 | 47 |
| Total. | , | \$433,915 | 93 |
| | PRIMARY SCHOOL FUND. | | |
| | DR. | | |
| 1851. | | | |
| Nov. 30. | To balance Nov. 30, 1851, | \$238,252 | 18 |
| | | | |
| Total, | | \$ 238, 2 52 | 18 |
| | CR. | | |
| Nov. 30. | By balance Nov. 30, 1850, | | 98 |
| 46 | - | | |
| Total | · • | | |
| J (46) | , | | |
| | UNIVERSITY FUND. | | |
| | DR. | | |
| 1651. | | | |
| Nov. 30. | To balance Nov. 30, 1851, | \$22 ,608 | 29 |
| Total, | | \$22,608 | 29 |
| Total 1951. Nov. 90. | " receipts during fiscal year, | 40 540 \$23× 252 | 22 |

CR.

| CR. | |
|--|----------------------|
| Nov. 30. By balance Nov. 30, 1850, | \$11,078 77 |
| " receipts during fiscal year, | 11,534 52 |
| Total, | \$22,608 29 |
| · | |
| PRIMARY SCHOOL INTEREST FUND. | |
| DR. | |
| 1851. | |
| Nov. 30. To warrants paid during year, | \$49.160 29 |
| " " balance Nov. 30, 1851, | 15,464 26 |
| | |
| Total, | 864.624 5 5 |
| CR. | |
| Nov. 30. By balance Nov. 30, 1850, | \$1 <i>A A</i> 07 10 |
| " " transferred from general fund, | |
| " receipts during fiscal year, | |
| | - |
| Total, | \$64.624 55 |
| UNIVERSITY INTEREST FUND. | |
| DR. | |
| 1951. | |
| Nov. 30. To balance Nov. 30, 1850, | 4 0.004.40 |
| " " warrants paid during the year, | |
| _ | |
| Total, | \$11,862 39 |
| CR. | |
| 1851. | |
| Nov. 80. By receipts during year, | 20 704 59 |
| " transferred from the general fund, | |
| " balance Nov. 30, 1851, | |
| - | |
| Total, | \$11,862 39 |
| - | |

APPENDIX.

CONTINGENT FUND.

DR.

| | | • |
|----------|--|-------------------|
| 1851. | • | |
| Nov. 30. | To warrants paid during year, | \$ 337 50 |
| " | " balance Nov. 30, 1851, | |
| (Total | | 6 7 495 48 |
| Total, | | |
| | CR. | · |
| 1851. | | |
| Nov. 30. | By balance Nov. 30, 1850, | \$1,435 49 |
| " | " transferred from general fund, | |
| Total. | | 8 7.435 48 |
| | | |
| | MICHIGAN CENTRAL RAILROAD COMPANY DEPO | SITS. |
| | DR. | |
| 1851. | | |
| Nov. 30. | To warrants paid during year, | |
| 46 | " balance Nov. 30, 1851, | 2,517 96 |
| Total, | | \$2,659 77 |
| • | | |
| | CR. | |
| 1851. | | |
| | By balance Nov. 30, 1850, | |
| Total. | ······································ | \$2,659 77 |
| | | ==== |
| , | STATE BUILDING FUND. | |
| | DR. | |
| 1851. | | • |
| Nov. 30. | To balance Nov. 30, 1850, | \$7,348 80 |
| Total. | | \$7.348 80 · |
| 2000, | | |
| | CR. | |
| 1851. | | |
| Nov. 30. | By receipts during year, | \$1,453 57 |
| 41 | " balance Nov. 30, 1851, | 5,895 23 |
| Total. | •••• | \$7,348 80 |
| , | · | |

TREASURY NOTES—(SCRIP.) DR.

| 1851. | | |
|--|------|----|
| Nov. 30. To notes burned during year, | 26 | 00 |
| " balance Nov. 30, 1851, | 873 | 00 |
| Total, | 899 | 00 |
| CR. | | |
| 1851. | | |
| Nov. 30. By balance Nov. 30, 1850, | 899 | 00 |
| <u> </u> | | |
| Total, | 899 | 00 |
| | | |
| ASYLUM FUND. | | |
| DR. | | |
| 1851. | | 10 |
| Nov. 30. To warrants paid during year, | | |
| " transferred from gen'l fund, | 25 | |
| Total, \$1, | 602 | 18 |
| · | | |
| CR. | | |
| 1851. | | |
| Nov. 30. By balance Nov. 30, 1850, | | |
| " receipts during year, | | |
| " " balance Nov. 30, 1851, | 755 | 62 |
| Total, \$1, | 602 | 18 |
| = | | == |
| NORMAL SCHOOL ENDOWMENT FUND. | | |
| DR. | | |
| 1851. | | |
| Nov. 30. To warrants paid during year, \$2 | | |
| " transferred to Normal School int. fund, | 680 | 38 |
| " balance Nov. 30, 1851, 2, | 220 | 06 |
| Total, | ,280 | 75 |

| 1851. | | |
|--|------------------|-----------|
| Nov. 30. By balance Nov. 30, 1850, | \$ 1,679 | 70 |
| " receipts during the year, | ,36 01 | 05 |
| Total; | \$5,280 | 75 |
| NORMAL SCHOOL INTEREST FUND. | | |
| DR. | | |
| 1851. | | |
| Nov. 30. To balance Nov. 30, 1850, | _ \$3 39 | 37 |
| " " warrants paid during year, | | |
| " balance Nov. 30, 1851, | | 66 |
| | | _ |
| Total, | \$1,058 | 06 |
| CR. | | |
| 1851. | | |
| Nov. 30. By receipts during year, | \$2 06 | 28 |
| " transferred from nor. school end. fund, | | |
| " " general fund, | | - |
| • | | |
| Total, | \$1,058 ===== | 06 |
| MICHIGAN SOUTHERN RAILROAD COMPANY DEPOSIT | S. | |
| DR. | | |
| 1851. | | |
| Nov. 30. To balance Nov. 30, | \$606 | 00 |
| | | |
| Total, | \$606 | |
| CR. | | |
| 1851. | | |
| Nov. 30. By receipts during year, | \$ 606 | 00 |
| • | | |
| Total, | \$606 | 00 |
| | | |

ANNUAL REPORT of the State Treasurer for the year 1852.

STATE TREASURER'S OFFICE, Lansing, Dec. 31st, 1852.

To the Legislature of the State of Michigan:

I beg leave to submit herewith, as I am by law required to do, statements showing the condition of the several funds for the fiscal year ending Nov. 30th, 1852.

The balance in the Treasury on that date, was One Hundred and Sixteen Thousand Five Hundred and Fifty-five Dollars and Twenty-one Cents.

During the fiscal year which is past, all demands upon the general fund have been promply met, including the semi-annual interest on our State debt, and funds are now provided to meet the interest due 1st January, 1853.

I also submit herewith the annual statements of the several Banks in this State, at the time of my annual examination, this month.

I beg leave to call your attention to the subject of the specific tax on Banks and Brokers. The present system is very defective and unequal, and I would respectfully suggest that the circulating notes received by the Banks from the State Treasury, in exchange for the securities deposited by them, be made the basis of tax ation; thus making all the capital actually in use by Banks taxable, and equalizing the tax upon all alike.

All of which is respectfully submitted,

B. C. WHITTEMORE.

State Treasurer.

| Treasurer of the | State of Michigan, | in acc't with the | State of Michigan. |
|------------------|--------------------|-------------------|--------------------|
| | D . | D | |

| | | | DR. | |
|------------|--------|---------------|------------------------------------|---|
| 1852. | | | | |
| Nov. 30. | To bal | ance in the t | reasury, Nov. 30, 1851,\$97,391 21 | L |
| | | | general fund,261,141 67 | |
| | " | " | internal imp. fund, 86,396 60 | |
| : . | 41 | " | primary school fund, 32,399 81 | |
| • | " | " | university " 15,911 73 | |
| | 66 | " | prim. school int. " 37,487 87 | |
| • | " | " | university int. " 11,644 69 | |
| | " | " | State building " 2,557 50 | |
| | " | 4 | asylum " 844 02 | |
| | " | " | nor. school end. " 1,613 33 | 3 |
| | 44 | " | " int. " 980 75 | |
| | 46 | 46 | M. S. R. R. Co. deposits, 105 06 | • |
| PR - 4 3 | | | | - |
| Total, | | | \$548,474 18 | 3 |
| | | | CR. | |
| 1852, | • | | | |
| - | By am | 't p'd out on | acc't general fund,\$116,084 65 | 3 |
| | " | | int'l imp. fund, 238,913 58 | |
| | " | 44 | prim. school " 40 42 | |
| | ** | | " int. " 59,907 31 | |
| | 46 | " | univ. " " 11,524 09 | |
| | 44 | " | contingent " 225 37 | |
| | u | . " | M. C. R. R. Co. dep. 222 87 | 7 |
| | " | 44 | State building fund, 10 55 | |
| | 44 | " | Treas. notes burned, 77 06 |) |
| | 4 6 | " | asylum fund, 89 60 | • |
| | " | " | nor. sch'l end. fund, 3,556 80 | , |
| | 46 | " | " int. " 275 00 | |
| | " | ** | M. S. R. R. Co. dep., 339 28 | 3 |
| | 66 | " | swamp land fund, 652 50 | |
| E | alance | in the treasu | ry, Nov. 30, 1852, 116,555 21 | i |
| Total. | | | \$548.474 18 | |
| A WEEL. | | | | |

Ledger Balances, November 30, 1852.

| 1852. | | DR. | | CR. | |
|----------|-------------------------------|-------------------|------------|--------------|-----------|
| Nov. 30. | Cash, | \$ 116,555 | 21 | | |
| " | General Fund, | | | \$201,687 | 80 |
| " | Internal Improvement Fund, | 416,223 | 42 | | |
| " | University Fund, | | | 38,520 | 02 |
| 46 | Primary School Interest Fund, | | | 10,612 | 13 |
| 66 | University Interest Fund, | | | 957 | 27 |
| 66 | Primary School Fund, | | | 270,611 | 57 |
| " | Contingent Fund, | | | 9,872 | 61 |
| " | Mich. C. R. R. Co. deposits, | | | 2,295 | 09 |
| 66 | State building fund, | 3,348 | 28 | | |
| 66 | Treasury notes, | | | 776 | 00 |
| " | Asylum Fund, | 1 | 20 | | |
| ü | Normal School Endowment, | | | | |
| | fund, | | | · 276 | 59 |
| " | Normal School Interest Fund, | | | 780 | 53 |
| " | Mich. Southern R. R. Co. de- | | | | • |
| | posits, | | | 371 | 72 |
| 44 | Swamp Land fund, | 652 | 5 0 | | |
| | | \$536,780 | 61 | \$536,780 | 61 |
| | | | | | |

GENERAL FUND.

DR.

| 1852. | | | | | | | |
|----------|----|-----------|---------------------------|-------|-----------|------------------|-----------|
| Nov. 30. | To | Warrant | s paid during the fiscal | year, | { | \$116,084 | 63 |
| 66 | 46 | transferi | ed to university interest | fund | l, | 1,951 | 65 |
| " | 46 | " | primary school " | 66 | | 17,567 | 31 |
| " | " | 46 | normal school " | 66 | | 73 | 12 |
| " | 66 | 66 | internal imp't. | " | | 29,000 | 00 |
| 44 | " | " | contingent | " | | 3,000 | 00 |
| 66 | " | balance | Nov. 30, 1852, | | - | 201,687 | 08 |
| | | | | | | \$369,363 | 79 |

| | UN. | |
|----------|---|----------------------|
| Nov. 30. | By balance Nov. 30, 1851 | . 108,222 12 |
| | " receipts during the fiscal year, | .261,141 67 |
| | | \$369,363 79 |
| • | INTERNAL IMPROVEMENT FUND. | • |
| | DR. | |
| 1852. | 24 | |
| | Ma balanca Nam 20 1051 | 000 702 47 |
| MUY. 30. | To balance Nov. 30, 1851, | |
| | " warrants paid during fiscal year, | 238,913 55 |
| | | \$531,62J 02 |
| | CR. | |
| Nov. 30. | By receipts during the fiscal year, | 86,396 60 |
| | " amount transferred from general fund, | |
| | " balance Nov. 30, 1852, | |
| | | |
| | • | \$ 531,620 02 |
| | PRIMARY SCHOOL FUND. | |
| | DR. | |
| 1050 | DIV. | |
| 1852. | | 40.40 |
| Nov. 30. | To warrants paid during fiscal year, | |
| | " balance Nov. 30, 1852, | 270,611 57 |
| Total, | | \$270,651 99 |
| | | |
| | CR. | |
| Nov. 30. | By balance Nov. 30, 1851 | .238,252 18 |
| 66 | receipts during fiscal year | 32,399 81 |
| | | |
| Total. | | 270,651 99 |
| | UNIVERSITY FUND. | |
| • | DR. | |
| 1852. | | |
| | To balance Nov. 30, 1852 | \$38,520 02 |
| | | |

| Nov. 30. By balance Nov. 30, 1851 | 22,608 | 29 |
|--|-------------------|-------------|
| " receipts during fiscal year | | |
| Total | \$38,520 | 02 |
| • | | |
| PRIMARY SCHOOL INTEREST FUND. | | |
| DR. 1852. | | |
| Nov. 30. To warrants paid during fiscal year | 59.907 | 31 |
| " balance Nov. 30, 1852 | | |
| · | | |
| Total | . \$70,519 | 44 |
| CR. | | |
| Nov. 30. By balance Nov. 30, 1851 | 15 484 | 26 |
| " am't transferred from general fund | | |
| " receipts during fiscal year | | |
| receipes during usear year | | |
| Total | \$70,519 | 44 |
| · | | |
| UNIVERSITY INTEREST FUND. | | |
| DR. 1852. | | |
| Nov. \$0. To balance Nov. 30, 1851 | \$1 114 | 98 |
| " warrants paid during fiscal year | | |
| " balance Nov. 30, 1852 | - | |
| Dalance 1101. 110, 1002 | | |
| | \$13,596 | 34 |
| CR. | | == |
| Nov. 30. By receipts during fiscal year | \$11.644 | 60 |
| amount transferred from general fund | | |
| amount transferred from general fund | | |
| | \$ 13,596 | 34 |
| ON WINCE WE WIND | | = |
| CONTINGENT FUND. DR. | | |
| 185 2 . | | • |
| Nov. 30. To warrants paid during fiscal year | \$225 | 37 |
| " balance Nov. 30, 1852 | | |
| , | | |
| | \$10,097 | 98 |

| Cr. | | |
|---|---------------------------|------------|
| Nov. 30. By balance Nov. 30, 1851 | \$ 7,097 | 98 |
| " amount transferred from general fund | 3,000 | 00 |
| | \$10,097 | 98 |
| • | | == |
| MICHIGAN CENTRAL RAILROAD CO. DEPOSITS. | | |
| 1852. DR. | | |
| Nov. 30. To warrants paid during fiscal year | \$222 | 87 |
| ' balance Nov. 30, 1852 | 2,295 | 09 |
| | | |
| · | \$2,517 | 96 |
| CR. | | |
| Nov. 30. By balance Nov. 30, 1851 | \$2,517 | 96 |
| • | | |
| STATE BUILDING FUND. | | |
| 1852. DR. | | |
| Nov. 20. To balance Nov. 30, 1851 | \$5 .895 | 23 |
| " " warrants paid during fiscal year | | |
| | | |
| Total | _ \$5,905 | 78 |
| dp. | | |
| CR. | A 0 F F F F | -0 |
| Nov. 30. By receipts during fiscal year | | |
| " balance Nov. 30, 1852 | 3,348 | 28 |
| · | \$5,905 | 78 |
| | | |
| TREASURY NOTES. | | |
| DR. | | |
| 1852. | | |
| Nov. 30. To treasury notes burned during fiscal year, | | |
| " balance Nov. 30, 1852, | 796 | 00 |
| Total, | \$873 | 00 |
| * | ==== | = |
| CR. | | |
| Nov. 30. By balance Nov. 30, 1851, | . \$873 | 6 0 |
| | | = |

ASYLUM FUND.

DR.

| DR. | |
|---|-----------------|
| 1852. , | |
| Nov. 30. To balance Nov. 30, 1851, \$755 | 32 |
| " warrants paid during fiscal year, 89 6 | 50 — |
| Total, | 22 |
| CR. | = |
| Nov. 30. By receipts during the fiscal year,\$844 (|)2 |
| " balance Nov. 30, 1852, 1 9 | |
| · · · · · · · · · · · · · · · · · · · | |
| Total, | ? 2 = |
| • | |
| NORMAL SCHOOL ENDOWMENT FUND. | |
| DR. 1852. | |
| Nov. 30. To warrants paid during fiscal year,\$3,556 8 | ìΛ |
| " " balance Nov. 30, 1852, | |
| | |
| Total,\$3,833 8 | 9 |
| CR. | - |
| Nov. 30. By balance Nov. 30, 1851, \$2,220 0 | 6 |
| " receipts during fiscal year, 1,613 3 | |
| Total, \$3,833 3 | - |
| | = |
| NORMAL SCHOOL INTEREST FUND. | |
| DR. | |
| 1852. | |
| Nov. 30. To warrants paid during the fiscal year, \$275 0 | 0 |
| " " balance Nov. 30, 1852, 780 5 | 3 |
| Total, | 3 |
| · | = |
| Nov. 30. By balance Nov. 30, 1851, | R |
| " receipts during fiscal year, 980 7 | |
| " amount transferred from the general fund, 73 1: | |
| | _ |
| Total, | 3 |

MICHIGAN SOUTHERN RAILROAD COMPANY DEPOSITS.

| DR. |
|---|
| 1852. |
| Nov. 30. To warrants paid during fiscal year, |
| " " balance Nov. 30, 1852, |
| · |
| Total, |
| CR. |
| Nov. 80. By balance Nov. 30, 1851,\$606 00 |
| " " receipts during fiscal year, |
| receipts during instal year, |
| Total,\$711 00 |
| · |
| SWAMP LAND FUND. |
| DR. |
| 1852. |
| Nov. 30. To warrants paid during fiscal year, |
| |
| Nov. 30. By balance Nov. 30, 1852, |
| 100v. 50. By parameter 100v. 50, 100z, |
| |
| - |
| Statement of the condition of the Macomb County Bank. |
| RESOURCES. |
| Due from Eastern banks and bankers\$52,762 16 |
| " other " " 6,889 11 |
| Foreign bills of exchange |
| Domestic bills |
| Cash—gold and silver |
| " notes of other banks 19,141 00 |
| cash items and checks 10,225 92 |
| |
| - |
| Bank furniture and fixtures 1,969 46 |
| Personal property 700 00 |
| Expense account |
| \$250,100 OU |

LIARILITIES.

| LIADILITES. | | | |
|---------------------|---------|-------------------|----|
| Capital stock | | \$ 100,000 | 00 |
| Circulation | 190,168 | | |
| Less amount on hand | 2,500 | | |
| | | 187,668 | 00 |
| Due depositors | | 4,921 | 50 |
| Due other banks | | 955 | 54 |
| Profit and loss | | 1,614 | 96 |
| | | \$ 007.100 | ~ |
| • | | \$295,160 | |

Dated Oct. 4th, 1852.

Statement of the condition of the Peninsular Bank, Dec. 28, 1852.

RESOURCES.

| RESURCES. | |
|--|---------------------|
| Due from banks and bankers \$103,839 62 | |
| Bills in transit | |
| | \$104,189 62 |
| Cash—gold and silver 28,947 95 | |
| " notes of other banks 19,446 00 | |
| " cash items | |
| | 49,617 13 |
| Foreign bills of exchange | 160,453 96 |
| Domestic bills | 81,520 58 |
| Due from others, not included in the above | 12,193 77 |
| U. S. and Michigan bonds and University warrants | 25,055 65 |
| State bonds deposited with State Treasurer | 120,900 00 |
| Expense account | 1,598 00 |
| Personal estate | 2,165 35 |
| Bank fixtures | 2,096 35 |
| Contingent account | 3,409 90 |
| Due from United States disbursing officers | 2,971 10 |
| Total | \$566,166 41 |
| | |

LIABILITIES.

| Due depositors | \$319,341 42 | } | |
|------------------------------|--------------|------------------|----|
| Due other banks | 1,780 36 | } | |
| Circulation \$120,906 |) | | |
| Less this am't on hand 1,306 | | | |
| | 119,594 00 |) | |
| Profits | 25,450 68 | , | |
| Capital stock | | | |
| , | | \$566,166 | 41 |

Henry H. Brown, Cashier of the Peninsular Bank, being duly sworn, declares the above statement of the condition of said Bank to be true, according to the best of his knowledge and belief.

H. H. BROWN.

Cashier.

Sworn and subscribed before me, this 28th day of Dec'r, 1852. B. C. WHITTEMORE,

State Teaasurer.

| Condition of the Michigan State Bank, Tues | day, Dec | ember | r 28th, 18 | 52. |
|--|-------------------------|-------------|-----------------------|-----|
| State stock, (cash value,) | | . . | \$10,000 | 00 |
| Bonds and mortgages, | · · · · · · · · · · · · | . | 22,872 | 39 |
| Judgments, | | | 10,292 | 00 |
| Real estate, value this day, | · | . . | 10,246 | 00 |
| Bills discounted, | | | 447,850 | 97 |
| Furniture, Iron Safes, &c., | | | . 1,301 | 03 |
| M. C. R. R. 8 per cent bonds, | | | . 36,750 | 00 |
| Cash—Coin, | 51,801 | 61 | | |
| Bank Notes, | 26,078 | 00 | | |
| Checks on banks, | 5,838 | 00 | | |
| Due by banks, | 89,393 | 96 | | |
| | | | 173,111 | 57 |
| Total, | | 8 | 3711,9 2 3 | 96 |

| Capital stock, | 151,578 | 00 | • | _ |
|--------------------|----------------|----|-------------------|----|
| Deposits, | | | | |
| Circulation, | 348,366 | 00 | | |
| Banks and bankers, | 3,832 | 91 | | |
| Profit and loss, | 30 ,913 | 89 | | |
| Total, | | | \$ 711,923 | 96 |

State of Michigan, County of Wayne, ss.

Alexander H. Adams, Cashier of the Michigan State Bank, being duly sworn, deposeth and saith that the above statement is just and true according to the best of his knowledge and belief.

A. H. ADAMS, Cashier.

Sworn to and subscribed on the 28th day of December, 1852 before me.

E. C. WALKER,

Notary Public, Wayne Co., Mich.

Statement showing the condition of the Government Stock Bank, on the morning of Dec. 29, 1852.

RESOURCES.

| United States Stocks deposited with State Treasurer | | |
|---|------------------|-----------|
| as security for circulating notes at par, | \$198,000 | 00 |
| Premium on same, | . 4,035 | 01 |
| Loans and discounts, | 63,284 | 56 |
| Due from banks and bankers on demand, | 3,204 | 61 |
| Cash on hand, viz: Gold and silver coin now in wault, | in | |
| Gold coin in transit from N. | | |
| Y., belonging to this bank., 10,000 00 . 70,429 52 | | |
| Bank notes on hand, 25,490, 06 | 95,926 | 52 |
| Plates and bills, | 1,625 | 00 |
| Furniture and fixtures, | 416 | 12 |
| Expenses, | 2,087 | 20 |
| Stock in Metropolitan Bank, N. Y., cost, | 110 | 75 |
| Total. | \$369 698 | 77 |

LIABILITIES.

| Capital stock, | \$ 100,000 | 00 |
|---|-------------------|----|
| Countersigned circulating notes received from State | | |
| Treasurer, and in circulation, | 198,000 | 00 |
| Profits, | 2,066 | 60 |
| Due to banks and bankers on demand, | 52,322 | 01 |
| Due depositors on demand, | 16,300 | 16 |
| Total, | \$368,688 | 77 |

State of Michigan, County of Washtenaw, ss.

Edwin R. Tremain, President of the Government Stock Bank, being duly sworn, doth depose and say, that the foregoing is a just and true statement of the condition of said Bunk on the morning of Dec. 29, 1852, according to the best of his knowledge and belief.

EDWIN R. TREMAIN.

Sworn to and subscribed before me this 29th day of December, A. D. 1852.

B. C. WHITTEMORE,

State Treasurer.

Statement showing the condition of the Farmer's and Mechanic's Bank of Michigan, on the morning of the 28th day of December, 1852.

RESOURCES.

| Bills discounted, and other loans, | 340,288 | 98 |
|--|---------|----|
| Real estate, | 110,208 | 44 |
| Bonds and mortgages, | 66,124 | 44 |
| Land contracts, | 9,331 | 40 |
| Bills of exchange, | 37,377 | 34 |
| Bills in transit, | 1,339 | 31 |
| Judgments, | 16,283 | 04 |
| Stocks, | 13,525 | 00 |
| Personal property, | 3,571 | 75 |
| Suspended claims, | 11,893 | 80 |
| Michigan State bonds deposited with State Treasurer, | 100,001 | 70 |
| Detroit city bonds, | 300 | 00 |
| Due from banks and bankers, | 10,559 | 07 |
| " sundry individuals, | 16,346 | 13 |

| Bank notes and checks, | . 4,198 | ₩4 |
|--|---------------------------|-------------|
| Items counted as cash, | | |
| Coin, | | |
| Ош, | | |
| Total, | \$7 53,254 | 09 |
| LIABILITIES. | | === |
| Loans on time, | \$92,344 | 62 |
| Due stockholders for advances, | 214,225 | 15 |
| Special deposits appplicable to payment of debts due | • | |
| bank, | 84,588 | 47 |
| Due banks and bankers, | 4,103 | 33 |
| " depositors, | 61,005 | 10 |
| " for collections, | | 31 |
| Unpaid dividends, | | oò |
| " certificates, | | 05 |
| Circulation, | 42,512 | 00 |
| Discount, exchange and rent accounts, | | |
| Suspended accounts, | | |
| Excess of resources, | | 60 |
| Total, | \$ 758,25 4 | 09 |

State of Michigan, Wayne county, ss:

H. W. Seymour, Cashier of the Farmer's and Mechanic's Bank of Michigan, being duly sworn, deposes and says that the above is a statement of the condition of said Bank, on the 29th day of Dec., 1852, as appears by the books of said Bank.

H. W. SEYMOUR,

Cashier.

Subscribed and sworn to, this 29th day of December, 1852, before me,

ADDISON MANDELL,
Notary Public, Wayne county, Michigan

Statement of the condition of the Michigan Insurance Company's Bank, Detroit, December 28, 1852.

RESOURCES.

| Cask—gold coin, \$73,987 34 " silver " | RESOURCES. | |
|--|--|---------------------|
| Bank notes and checks 29,552 22 Bills discounted, 380,559 93 Bonds and mortgages, 17,749 69 Real estate, 14,642 28 Office furniture, 2,556 15 Due from banks and bankers, 101,541 42 Railroad bonds and stocks, 23,050 00 State stocks deposited with State Treasurer, 170,683 60 Total, \$820,821 67 LIABILITIES. \$200,010 00 Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | Cash—gold coin, | |
| Bank notes and checks 29,552 22 Bills discounted, 380,559 93 Bonds and mortgages, 17,749 69 Real estate, 14,642 28 Office furniture, 2,556 15 Due from banks and bankers, 101,541 42 Railroad bonds and stocks, 23,050 00 State stocks deposited with State Treasurer, 170,683 60 Total, \$820,821 67 LIABILITIES. \$200,010 00 Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | | |
| ### ### ############################## | | |
| Bonds and mortgages, 17,749 69 Real estate, 14,642 28 Office furniture, 2,556 15 Due from banks and bankers, 101,541 42 Railroad bonds and stocks, 23,050 00 State stocks deposited with State Treasurer, 170,683 60 Total, 8820,821 67 LIABILITIES. \$200,010 00 Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 | | \$110,038 60 |
| Real estate, 14,642 28 Office furniture, 2,556 15 Due from banks and bankers, 101,541 42 Railroad bonds and stocks, 23,050 00 State stocks deposited with State Treasurer, 170,683 60 LIABILITIES. Capital stock, \$200,010 00 Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | Bills discounted, | 380,559 93 |
| Office furniture, 2,556 15 Due from banks and bankers, 101,541 42 Railroad bonds and stocks, 23,050 00 State stocks deposited with State Treasurer, 170,683 60 LIABILITIES. Capital stock, \$200,010 00 Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | Bonds and mortgages, | 17,749 69 |
| Due from banks and bankers, 101,541 42 Railroad bonds and stocks, 23,050 00 State stocks deposited with State Treasurer, 170,683 60 LIABILITIES. Capital stock, \$200,010 00 Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | Real estate, | 14,642 28 |
| Railroad bonds and stocks, 23,050 00 State stocks deposited with State Treasurer, 170,683 60 LIABILITIES. Capital stock, \$200,010 00 Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | Office furniture, | 2,556 15 |
| State stocks deposited with State Treasurer, 170,683 60 | Due from banks and bankers, | 101,541 42 |
| LIABILITIES. Capital stock, \$200,010 00 Profits, \$30,408 39 Dividends unpaid, \$19 64 Circulation, \$290,632 00 Less office notes on hand, \$3,066 00 Due to banks and bankers, \$13,266 97 Due depositors, \$289,250 67 | Railroad bonds and stocks, | 23,050 00 |
| LIABILITIES. Capital stock, \$200,010 00 Profits, \$30,408 39 Dividends unpaid, \$19 64 Circulation, \$290,632 00 Less office notes on hand, \$3,066 00 Due to banks and bankers, \$13,266 97 Due depositors, \$289,250 67 | State stocks deposited with State Treasurer, | • |
| Capital stock, \$200,010 00 Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | . Total, | |
| Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 — 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | LIABILITIES. | |
| Profits, 30,408 39 Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 — 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | Capital stock, | \$200,010 00 |
| Dividends unpaid, 319 64 Circulation, \$290,632 00 Less office notes on hand, 3,066 00 — 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | <u> </u> | |
| Circulation, \$290,632 00 Less office notes on hand, 3,066 00 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total \$820,821 67 | · | |
| 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total 8820,821 67 | - · · · · · · · · · · · · · · · · · · · | |
| 287,566 00 Due to banks and bankers, 13,266 97 Due depositors, 289,250 67 Total 8820,821 67 | Less office notes on hand, 3,066 00 | |
| Due depositors, 289,250 67 Total 8820,821 67 | | 287,566 00 |
| Total | Due to banks and bankers, | 13,266 97 |
| | Due depositors, | 289,250 67 |
| | Total | \$820,821 67 |

State of Michigan, Wayne county, ss.

H. K. Sanger, cashier of the Michigan Insurance Company's Bank, being duly sworn, says the above statement of the condition of said Bank is true according to the best of his knowledge and belief.

H. K. SANGER, Cashier.

Sworn and subscribed before me this 28th day of December, 1852.

WM. WALKER,

Not. Pub. for Wayne Co.





INDEX.

A

| Adrian, city of, | |
|--|------------------|
| incorporated, | 27 to 41 |
| charter of amended, | 73 to 74 |
| Adrian Insurance Company, | |
| charter of repealed, | 10 |
| Alcona county, | |
| attached to Cheboygan county for certain purposes | , 20 |
| Alpena county, | |
| attached to Cheboygan county for certain purposes, | 20 |
| Antrem county, | |
| attached to Grand Traverse county for certain purpo | ses, 44 |
| name changed to township of Antrim, | 44 |
| Antrim, township of, | |
| organized, | 44 |
| Appeals, | |
| in certain cases, (see Michigan liquor law,) | 104 to 109 |
| (see circuit courts,) | 187 to 188 |
| Appropriations, | |
| for the payment of members and officers of the L | egisla- |
| ture, | 1 to 3 |
| the salaries of State officers, | |
| the payment of the expenses of the State govern | |
| the State Normal School, | |
| in aid of Michigan asylums, | |
| of certain highway taxes in the counties of Eaton and | |
| for the erection of a prison for solitary confinement, | 124 |
| the erection of public offices at the seat of gov | ernment, |
| at Lansing. | 168. 16 9 |
| in aid of the Michigan State Agricultural Societ | y,189, 190 |
| Aronac county, | |
| attached to Saginaw county for certain purposes, | 44 |
| attached to township of Midland for town purposes, - | 44 |
| Assessors, | |
| duty of, in taking census, &c., | 60, 61 |
| | |

| Assessment, | |
|-------------------------|--|
| | es,) |
| Asulums | |
| (see Mic | higan asylums,)119 |
| Auchville. | |
| township | of, organized, |
| AMUUT UEI | uerai, |
| authorize | d to settle with the county of Kent for certain wolf |
| _ | bounties, |
| do | to issue duplicate internal improvement warrant to |
| - | Isaac N. Swain, 202, 203 |
| do | to issue to Almon Whipple certain land warrants, _ 208 |
| | relative to apportionment, |
| do | relative to specific taxes and reports from corpora- |
| | tions, |
| do | relative to delinquent taxes of the county of Mon- |
| • • | roe, |
| do | in relation to internal improvement warrants, 117 |
| do | in relation to liquidating and funding part paid five |
| 3. | million loan bonds, |
| do | relative to apportionment of taxes in aid of Michi- |
| do | gan asylums, 121 (see taxes,) assessment and collection of, 128 to 168 |
| | to settle and adjust certain claims of the State against |
| | Amand, 199, 200 |
| required | to transfer certain moneys in contingent fund to gen- |
| | and, |
| required | to receipt amount of taxes to contractors, (see ship |
| | act,) in certain cases, |
| | · |
| • | В. |
| Banks, | |
| bonds of, | deposited in State Treasury, penalty for destroying |
| &c | 23 |
| | & Mechanic's, charter continued,84, 85 |
| Banking, u | nauthorized, |
| penalty f | or issuing bills &c., to circulate as money without |
| expres | s authority,20 |
| penalty i | or issuing post notes, |
| prosecuti | ng attorney, duty of in relation to,21 |
| Battle Creek | , |
| | charter amended,77 to 80 |
| Bonds, | l \ 02 |
| | ks,) |
| part paid | five million loan, (see Auditor General,) |
| A Pag A Pag A Pag | county authorized to loan its bonds to Saginaw & iver Plank Road Co., 125, 126 |
| Bridgeport, | IVOI I IGHA IWAU CU., |
| | |

C.

| _ 0. |
|---|
| Catholic Church or Society in Lansing, |
| Governor authorized to issue patent to in certain cases,191 |
| Campbell township, |
| collection of taxes extended in, |
| Canfield, Capt. A., |
| vote of thanks to, |
| Consus and Statistics of this State |
| provision for taking for the year 1854, and every ten years |
| provision for taking for the year 1854, and every ten years thereafter, 60 to 64 assessors, duties of, in relation to, 60, 61 |
| assessors duties of in relation to 60.61 |
| county clarks do |
| Governor to appoint marshals for taking, in unorganized coun- |
| ties, |
| prosecuting attorney, duties of, |
| Scoretage of State do 69 to 64 |
| Secretary of State, do |
| Secretary of State, do 62 to 64 Supervisors, do 60 to 62 township boards, do 62 |
| township boards, do |
| Charters amended, |
| Adrian, city of, |
| Battle Creek, village of, |
| Farmers' & Mechanics' Bank, 85 |
| Farmers' & Mechanics' Bank, 84, 85 Hillsdale, village of, 69 to 71 |
| Jackson, village of, |
| Michigan Mining Company, |
| Mount Clemens, village of, 86 to 88 |
| Native Copper Company, |
| C harters revealed. |
| Adrian Insurance Company, 10 |
| Charlevoix, |
| county of, erected into a seperate township, |
| Charlevoix, township of, organized, |
| Cheboygan county, |
| organized, |
| county officers,19 |
| counties attached,20 |
| townships organized in, |
| act organizing amended, 189 |
| Chippewa Indians of Lake Superior, |
| joint resolution relative to,203 to 206 |
| Circuit courts, |
| appointment for holding terms of, how made in 3d district, 84 |
| do do do 8th " 84 |
| do do do 8th "84 authority of to issue executions upon judgments transferred |
| from county courts |
| from county courts |
| estion as of the last day of masseding terms 100 |
| cation, as of the last day of preceding term, |
| desirion of how since |
| decision of, how given, |
| A. |

| evidence in, and review of, to be prescribed, | 187 |
|--|-------|
| issues of law and questions of fact in, how tried, | 187 |
| judges of, to transmit judgments to clerks. &c., | 188 |
| transfer to, of books, papers and judgments from county courts, | 115 |
| writ of error or appeal in, time of, how computed, | 188 |
| (see jurors, grand and petit,) | 192 |
| Circuit court commissioners, | |
| duties of, may be performed by notaries public in certain cases, | 195 |
| election of in the country of Wayne | 110 |
| election of, in the county of Wayne, | 110 |
| | 113 |
| Clinton road, | 100 |
| certain highway taxes appropriated for, 121, | 122 |
| commissioners appointed for, | 122 |
| Colonization on the American continent, | ~ ^ ^ |
| joint resolution relative to, | 208 |
| joint resolution relative to, 207, Commissioner of the State Land Office, | |
| authorized to lease certain property in the city of Detroit to | |
| John Ladue, | . 14 |
| authorized to lease certain property in the city of Detroit to John Ladue, authorized to take assignment of certain bounty land war- | |
| rants. | 116 |
| authorized to release the interest of the State in certain swamp | |
| lands, | 116 |
| authorized to restore certain rights to Gardner D. Williams, | 197 |
| directed to make certificate of sale to James Waters, | _ 52 |
| duties of relative to St. Mary's ship canal lands, | |
| required to issue new certificates in certain cases, | _ 59 |
| required to credit certain purchasers with amounts allowed by | |
| board of State auditors, | 210 |
| (see taxes, assessment and collection of,)128 to | 168 |
| Commissioners, | |
| (see circuit court commissioners,) | |
| (see special commissioners,) | |
| board of water, for the city of Detroit organized and powers | |
| and duties defined, | 107 |
| Continuances, | 101 |
| (see Michigan liquor law,) | 105 |
| Continuent Found | 100 |
| Contingent Fund, | |
| Auditor General required to transfer certain moneys be- | |
| longing to, | 202 |
| Corporations, | |
| duty of Auditor General relative to reports of, | . 21 |
| " sheriff, 21, reports of, to be filed with Auditor General, | , 22 |
| reports of, to be filed with Auditor General, | . 21 |
| specific taxes of. 21. | , 22 |
| organization of, authorized for mining, smelting or manufactur- | |
| ing iron, copper. mineral coal, silver or other ores or min- | |
| erals, and proceedings thereupon, | 59 |
| Corporations Chartered, | |
| Adrian, city of, 27 to | 41 |

| Detroit, Board of Water Commissioners of the city of | , 180, |
|--|--------------|
| Hudson, village of, | 89 to 99 |
| Hudson, village of, Counties, attached for certain purposes, | |
| Alpena, | 20 |
| Alcona, | 20 |
| Antrim, | 44 |
| Aronac, | |
| Crawford, | 20 |
| Gladwin, | 44 |
| Isabella, | 44 |
| Iosco, | 20 and 44 |
| Kalcasca. | 44 |
| Leelanaw, | 44 |
| Montmorency, | 20 |
| Missaukee, | 44 |
| Manistee, | 44 |
| Midland, | 44 |
| Otsego, | 20 |
| Oscoda, | 20 |
| Ogemaw, | 20 |
| Omeena, | 43 |
| Presque Isle, | 20 |
| Roscommon, | 20 |
| Wexford, | 44 |
| Counties organized. | |
| Cheboygan, | 19, 20 |
| Emmet, | 15 to 17 |
| Grand Traverse, organization completed. | 43 |
| County clerks. | |
| (see removals from office,) bonds of, to be approved by circuit judge, | 18 |
| bonds of, to be approved by circuit judge, | |
| duty of, (see census.) | 62 |
| duty of, relative to specific taxes in Upper Peninsula, | 76 |
| duty of, in drawing grand and petit jurors, | 192 |
| duty of, relative to circuit courts. | 188 |
| duty of, (see taxes, assessment and collection of) | .128 to 168 |
| County treasurers. | |
| (see taxes, assessment and collection of,) | . 128 to 168 |
| County indaes | |
| (see "session laws,") | 15 |
| Crawford county. | |
| attached to Cheboygan county for certain purposes,. | 20 |
| • | |
| D. | |
| Detroit, | |
| time for the collection of taxes extended in city of, | 115 |
| laws relative to supplying city of, with pure and who | olesome |
| water, amended, | 180, 187 |
| District courts in Upper Peninsula, | |
| number of terms to be held in. | 11 |

| - mhous hold | 11 |
|--|--------------|
| where held, | 44 |
| what statutes are applicable to, | |
| District Judge of Upper Peninsula, authorized to enter certain lands in trust for certain per | roone 96 |
| duty of, as to disposal of said lands, | 96 97 |
| " relative to controversy between parties, | 97 |
| Supreme court may direct re-hearing of decision of, | 97 |
| Districts, judicial, | |
| 3d to include the counties of Cheboygan and Emmet, | 84 |
| Sth to include the counties of Oceana, Newaygo and | Grand |
| Traverse, | |
| Drummond township of | |
| organized, | 23 |
| Duncan, township of. | |
| organized, | 19 and 189 |
| | |
| E. | |
| Election returns, | |
| Election returns, (see Secretary of State,) | |
| Emmet, county of, | |
| organized, | 15 to 17 |
| township of Galilee organized in, | 16 |
| " Peaine, boundaries of extended in, | 16 |
| " Charlevoix organized in and erected into | a new |
| township, | |
| islands attached to, | 17 |
| records of, in county of Mackinac, | 17 |
| Estates, real and personal, | |
| (see taxes, assessment and collection of,) | . 128 to 168 |
| Exemption, | |
| of firemen from military and jury duty in certain case | s,12 |
| of property (see taxes assessment and collection of,) | 128 to 168 |
| Examinations, | |
| see removals from office, | 17, 18 |
| Executions, | |
| in cases transferred from county courts, how issued, | 115, 116 |
| F. | |
| _ · | |
| Fugitives from Justice, | |
| Governor authorized to appoint agents to demand, &c., Firemen, | 1 |
| exempt from militia or jury duty in certain cases, | , |
| First Processarian Chemel and Society in Lauring | 12 |
| First Presbyterian Church and Society in Lansing, | 900 |
| joint resolution relative to an exchange of lots, &c., First Universalist Church in Lansing, | 209 |
| Governor authorized to execute and deliver a deed to, | 101 |
| First Wesleyan Church and Society in Lansing, | |
| Governor authorized to execute and deliver a deed to | 101 |

G.

| Galilee, township of, |
|--|
| organized,16 |
| Gladwin, county of, |
| attached to Saginaw county for certain purposes,44 |
| attached to township of Midland for township purposes,44 |
| Governor, |
| duties of relative to St. Mary's canal, |
| counties. |
| to appoint circuit court commissioner for the county of Wayne, 119 |
| to execute, &c., deeds in certain cases,191, 206, 209, 211 |
| to transmit resolutions,196, 198, 199, 201, 206, 208 |
| authority of, relative to construction of public offices at Lansing, |
| Grand Traverse, county of, |
| organization completed, |
| Omeena, part of annexed to, in, |
| Peninsula township of organized in. |
| Traverse " 43 |
| Toolonger (f. fr. 44 |
| Omeena " name changed |
| counties attached to, |
| counties from, attached to Antrim, 44 |
| Quantum d. toronghin of |
| organized,43 |
| |
| Н. |
| Heath, township of, |
| collection of taxes in, time for extended,9 |
| Henrietta, township of, |
| part of, attached to Rives, |
| Highways, |
| (see highway taxes.) |
| Highway Taxes, |
| certain, appropriated to the counties of Eaton and Ionia, 121 to 123 |
| (see taxes, assessment and collection of,) |
| Houghton, county of, |
| part of, annexed to Ontonagon county, |
| Hillsdale, village of, |
| charter amended,69 to 71 |
| Hudson, village of, |
| incorporated,89 to 99 |
| I. |
| |
| Inspectors of State Prison, |
| duties of, relative to erection of building for purposes of sol- |
| itary confinement, |

| Inspectors of election, (see Michigan Liquor law,) | Internal improvement warrants, | |
|--|---|----------|
| (see Michigan Liquor law,) | duties of Auditor General in relation thereto, | |
| Isseen notices of probate | Inspectors of election, | |
| attached to Cheboygan county for certain purposes, | | |
| repealed, | Iosco, county of, | |
| ## to township of Hampton for township purposes, | attached to Cheboygan county for certain purposes,20 | |
| "to township of Hampton for township purposes, | repealed,45 | |
| Isabella, county of, attached to Saginaw county for certain purposes, | attached to Saginaw county for certain purposes, | |
| attached to Saginaw county for certain purposes, | | |
| " township of Midland for township purposes, | 18abella, county of, | |
| Jackson, village of, charter amended, Joseph Probate, may hold effice of justice of the peace, 15 to renew commission in case of failure of creditor to present claim, 180 see notices of probate 75 Jurisdiction, (see lands ceded, &c.,) 13, 14, 52, 53 concurrent, Cheboygan county to have, upon Lake Huron and Thunder and Saginaw Bays, with other counties contiguous thereto, 19 of circuit courts in 3d and 8th judicial districts, 84 Jurors, grand and petit, drawing of, 192 K. Kalcaska, county of, attached to Antrim for township purposes, 44 L. Lands, (see ship canal,) 48 to 51 appropriated to asylum fund to be credited to general fund, 120 Lands ceded to United States, Beaver Island harbor, 13 Clinton river, mouth of, 52 Grand Island harbor, 13 Manistique river, at mouth of, 13 Manistique river, at mouth of, 13 Manistique river, at mouth of, 13 Pierre Marquette river, at mouth of, 13 | " " township of Midlend for township nurposes 44 | |
| J. Jackson, village of, charter amended, | | |
| Jackson, village of, charter amended, | attached to Emmet county. | |
| Jackson, village of, charter amended, | | |
| charter amended, | • | |
| Judge of Probate, may hold effice of justice of the peace, to renew commission in case of failure of creditor to present claim, see notices of probate Jurisdiction, (see lands ceded, &c.,) of circuit courts in 3d and 8th judicial districts, Jurors, grand and petit, drawing of, attached to Antrim for township purposes, L. Lands, (see swamp lands,) (see ship canal,) appropriated to asylum fund to be credited to general fund, 120 Lands ceded to United States, Beaver Island harbor, Clinton river, mouth of, Manistique river, at mouth of, Manistique river, at mouth of, Old Point Mackinaw, Pierre Marquette river, at mouth of, Pierre Mar | Jackson, village of, | |
| may hold effice of justice of the peace, | charter amended, | , |
| claim, 180 see notices of probate 75 Jurisdiction, (see lands ceded, &c.,) 13, 14, 52, 53 concurrent, Cheboygan county to have, upon Lake Huron and Thunder and Saginaw Bays, with other counties contiguous thereto, 19 of circuit courts in 3d and 8th judicial districts, 84 Jurors, grand and petit, drawing of, 192 K. Kalcaska, county of, attached to Antrim for township purposes, 44 L. Lands, (see swamp lands,) 116 (see ship canal,) 48 to 51 appropriated to asylum fund to be credited to general fund, 120 Lands ceded to United States, Beaver Island harbor, 13 Clinton river, mouth of, 52 Grand Island harbor, 13 Manistee river, at mouth of, 13 Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | Juage of Produce, | |
| claim, | to sever commission in ease of failure of creditor to present | , |
| see notices of probate | claim 180 | 1 |
| Jurisdiction, (see lands ceded, &c.,) | see notices of probate | · |
| (see lands ceded, &c.,) 13, 14, 52, 53 concurrent, Cheboygan county to have, upon Lake Huron and Thunder and Saginaw Bays, with other counties contiguous thereto, 19 of circuit courts in 3d and 8th judicial districts, 84 Jurors, grand and petit, drawing of, 192 K. Kalcaska, county of, attached to Antrim for township purposes, 44 L. Lands, (see swamp lands,) 116 (see ship canal,) 48 to 51 appropriated to asylum fund to be credited to general fund, 120 Lands ceded to United States, Beaver Island harbor, 13 Clinton river, mouth of, 52 Grand Island harbor, 13 Manistee river, at mouth of, 13 Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | | • |
| concurrent, Cheboygan county to have, upon Lake Huron and Thunder and Saginaw Bays, with other counties contiguous thereto, | (see lands ceded, &c.,) 13, 14, 52, 53 | 5 |
| Thunder and Saginaw Bays, with other counties contiguous thereto, | concurrent, Cheboygan county to have, upon Lake Huron and | |
| thereto, | Thunder and Saginaw Bays, with other counties contiguous | |
| of circuit courts in 3d and 8th judicial districts, | thereto, |) |
| K. Kalcaska, county of, attached to Antrim for township purposes, | of circuit courts in 3d and 8th judicial districts, | ١. |
| K. Kalcaska, county of, attached to Antrim for township purposes, | Jurors, grand and petit, | |
| Kalcaska, county of, attached to Antrim for township purposes, | | ; |
| L. Lands, (see swamp lands,) | K. | |
| L. Lands, (see swamp lands,) | Kalcaska, county of. | |
| L. Lands, (see swamp lands,) | attached to Antrim for township purposes, 4 | ŧ |
| Lands, (see swamp lands,) 116 (see ship canal,) 48 to 51 appropriated to asylum fund to be credited to general fund, 120 Lands ceded to United States, 13 Beaver Island harbor, 13 Clinton river, mouth of, 52 Grand Island harbor, 13 Manistee river, at mouth of, 13 Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | | |
| (see swamp lands,) 116 (see ship canal,) 48 to 51 appropriated to asylum fund to be credited to general fund, 120 Lands ceded to United States, Beaver Island harbor, 13 Clinton river, mouth of, 52 Grand Island harbor, 13 Manistee river, at mouth of, 13 Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | - | |
| (see ship canal,) 48 to 51 appropriated to asylum fund to be credited to general fund, 120 Lands ceded to United States, Beaver Island harbor, 13 Clinton river, mouth of, 52 Grand Island harbor, 13 Manistee river, at mouth of, 13 Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | | |
| appropriated to asylum fund to be credited to general fund, 120 Lands ceded to United States, Beaver Island harbor, 13 Clinton river, mouth of, 52 Grand Island harbor, 13 Manistee river, at mouth of, 13 Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | (see swamp lands,) | 3 |
| Lands ceded to United States, Beaver Island harbor, | (see ship canal,) | l |
| Beaver Island harbor, | | J |
| Clinton river, mouth of, 52 Grand Island harbor, 13 Manistee river, at mouth of, 13 Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | | Ð |
| Grand Island harbor, 13 Manistee river, at mouth of, 13 Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | Clinton river mouth of |) |
| Manistee river, at mouth of, | | |
| Manistique river, at mouth of, 13 Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | Manistee river, at mouth of | ر ع |
| Old Point Mackinaw, 13 Pierre Marquette river, at mouth of, 13 | Manistique river, at mouth of | 9 |
| Pierre Marquette river, at mouth of, | Old Point Mackinaw. | 3 |
| Pine river, at mouth of. | Pierre Marquette river, at mouth of. | 3 |
| , | Pine river, at mouth of, | 3 |

| Point Iroquois, |
|--|
| South Black river, at mouth of, |
| South Fox Island, |
| Stannard's rock, |
| St. Clair, flats of, |
| Town 22 N. of R. 8 east, |
| Ladue, John, |
| certain property authorized to be leased to,14 |
| Leelanaw, county of, |
| attached to Grand Traverse county for certain purposes, 44 |
| name of, changed to township of Leelanaw, 44 |
| Leclanaw, township of, |
| organized, |
| Light Houses, |
| certain lands ceded U. S. for, |
| locations for, |
| ibid,52, 53 |
| joint resolution relative to, |
| Liquors, |
| manufacture and sale of prohibited (see Michigan liquor |
| law,) |
| Lynn, township of, |
| collection of taxes extended in,111 |
| |
| М. |
| Mason & Dexter Plank Road, |
| directors of appointed special commissioners for certain pur- |
| |
| poses |
| directors of, appointed special commissioners for certain pur- poses, |
| Manufacture. |
| Manufacture, of liquor, &c., prohibited,100 to 111 |
| Manufacture, of liquor, &c., prohibited,100 to 111 |
| Manufacture, of liquor, &c., prohibited, |

| duty of auditor general relative to apportionment of appro- | |
|--|-----|
| priation, | 21 |
| trustees of, duties of,1 | 20 |
| Michigan State Agricultural Society, | |
| appropriation to, | 90 |
| Michigan liquor law, | 11 |
| appeals under, | 07 |
| continuances under,10 | |
| inspectors of election, duties of, in relation to, | 10 |
| nolle prosequi under. | 05 |
| prosecuting attorney, duties of in relation to,1 | 09 |
| scire facias,1 | 05 |
| search warrants under, | 08 |
| seizures under, | 06 |
| township boards, duties of in relation to, | OO. |
| Michigan Central College, | 00 |
| required to report to legislature, | ΛΛ |
| Mining, | w |
| organization of corporations for, authorized, | 50 |
| Montmorency, county of, | UB |
| attached to Cheboygan county for certain purposes, | ω_ |
| | ZU |
| Montealm, county of, | |
| prisoners apprehended in, how disposed of, | 41 |
| Mi. Clemens, village of, charter amended, | • |
| charter amended,86 to | 88 |
| N. | |
| Native Copper Company, | |
| charter amended, | 72 |
| Niles, township of, | . ~ |
| collection of taxes, time for, extended in, | 49 |
| Northampton, township of, | 72 |
| name of, changed to Chessening, | 0.4 |
| Nolle Prosecui. | 24 |
| (see Michigan liquor law,)1 | ۸e |
| | VƏ |
| Notary Public, | |
| may perform duties of circuit court commissioners in certain | |
| cases,1 | 20 |
| 0. | |
| OM:- | |
| Offices, | • |
| (see public offices,) | 68 |
| Ogemaw, County of, | d 0 |
| attached to Cheboygan county for certain purposes, | zυ |
| Omerna, county of, | |
| attached to Grand Traverse county for certain purposes, | 43 |
| Ontonagon, county of, | |
| | |
| election of officers legalized, in, | |

| Religious Societies, acts relative to, |
|--|
| Catholic Church or Society in Lansing, 191 |
| First Baptist Church and Society in Lansing. 206 |
| First Presbyterian Society in Lansing, 209 |
| First Universalist Church in Lansing, 191 |
| First Wesleyan Methodist Church and Society in Lansing, 191 |
| Removals from office, |
| examinations relative to, |
| examinations to be transmitted to Governor, |
| prosecuting attorney, duties of, |
| Revised Statutes, |
| chapter 9, sec. 2, relative to record of abstract of votes by |
| Secretary of State, |
| chapter 11, sec. 6, title 2, relative to election of Senators in |
| Congress amended, |
| chapter 14, sec. 61, relative to election of county clerks |
| |
| amended, |
| |
| amended, 17 chapter 16, sec. 24, of the powers and duties of townships and |
| |
| election, and the duties of township officers, amended, 22 to 23 |
| chapter 48, sec. 1, title 9, relative to the exemption of fire- |
| men from militia duty, amended, 12 chapter 50, sec. 5, relative to unauthorized banking, amended, 20 |
| chapter 50, sec. 5, relative to unauthorized banking, amended, 20 |
| chapter 58, sec. 107, relative to taxes assessed for primary |
| schools, amended, 123, 124 |
| chapter 72, sec. 7, relative to judge of probate, amended, 179, 180 |
| chapter 103, sec. 2, relative to trial of issues of fact, amended, 190 |
| chapter 103, sec.'s 17 and 18, relative to drawing grand and |
| petit jurors, amended, 192 |
| chapter 170, sec. 6, relative to fugitives from justice, amended, 1 |
| Rives, township of, |
| part of, restored to township of Henrietta, |
| Roads, |
| (see rail roads,) 198 and 199 |
| Allegan and St. Joseph, certain parts thereof discontinued, 73 |
| Clinton, appropriation of certain highway taxes to, 121 to 123 |
| Mason & Dexter, certain appropriations renewed, |
| Rockland, township of, |
| organized, |
| Rollin, township of, |
| collection of taxes in, time extended, |
| Roscommon, county of, |
| attached to Cheboygan county for certain purposes,20 |
| |
| S. |
| Saginaw, county of, |
| authorized to loan its bonds to aid in the construction of a |

INDEX.

| Saut Ste Marie, |
|--|
| (see ship canal,) |
| Scire Facias, |
| (see Michigan liquor law,) |
| Search Warrant, |
| (see Michigan liquor law,)106 |
| Seizures, (see Michigan liquor law,) |
| (see michigan inquor law,) |
| collection of taxes, time for extended,5 |
| Secretary of State, |
| authorized to employ watchmen about the capitol, 195 |
| authorized to issue a deed to First Baptist Church and Soci- |
| ety in Lansing. 206, 207 |
| ety in Lansing, 206, 207 authorized to issue patent to First Presbyterian Society in |
| Lansing, 209 |
| Lansing, 209 directed to distribute session laws, &c., for 1853, 202 |
| duty of, relative to records of votes, &c., |
| directed to make arrangements for holding terms of supreme |
| court in Lansing, 196 |
| duty of, relative to taking census, &c., 62 and 69 |
| duty of, relative to reports of Michigan State Agricultural |
| Society, 190 |
| Senators to Congress, election of,24 |
| Session laws, |
| act number 74 of 1839, to incorporate the Adrian Insurance |
| company, renealed. |
| company, repealed, |
| amended, |
| act number 62 of 1848, relative to plank roads, amended 64 to 69 |
| act number 148 of 1848, to incorporate the Michigan Mining |
| company, amended, |
| act number 173 of 1848, relative to outstanding internal im- |
| provement warrants, amended, |
| provement warrants, amended, |
| amended, 169 to 179 act number 290 of 1848, relative to Mason & Dexter Road, |
| act number 290 of 1848, relative to Mason & Dexter Road, |
| amended, act number 39 of 1849, relative to township of Rives, |
| act number 39 of 1849, relative to township of faves, |
| repealed, 47 act number 124 of 1849, relative to the Farmers' & Mechan- |
| ics' Bank, amended, |
| act number 177 of 1849, to incorporate the Native Copper |
| Company, amended. |
| act number 177 of 1849, to incorporate the Native Copper Company, amended, act number 239 of 1850, amending the charter of the village |
| of Hillsdale, repealed. |
| act number 281 of 1850, relative to county judges and judges |
| of probate, repealed. |

| act number 287 of 1850, to incorporate the village of Battle |
|--|
| Creek, amended, |
| Creek, amended, |
| Clemens, amended, |
| act number 100, of 1851, relative to the village of Battle |
| Creek amended 77 to 90 |
| Creek, amended, 77 to 80 act number 155, of 1851, to provide for the formation of |
| act number 150, of 1651, to provide for the formation of |
| companies to construct plank roads, amended,80 to 88 |
| act number 179, of 1851, relative to the jurisdiction and |
| powers of circuit courts, repealed,188 |
| act number 175, of 1851, relative to election of U.S. Sena- |
| tors, repealed,24 |
| act number 185, of 1851, relative to holding district courts |
| in Upper Peninsula, amended,11 act number 20, of 1853, relative to the organization of the |
| act number 20, of 1853, relative to the organization of the |
| county of Cheboygan, amended. ' 199 |
| act number 30, of 1853, to incorporate the city of Adrian, |
| amended 73 |
| amended |
| State, amended, |
| |
| Session laws, &c., of 1853, Secretary of State directed to distribute, |
| |
| Sheriffs, |
| duties of, relative to specific taxes of corporations in certain cases, 21 and 22 duties of, relative to drawing grand and petit jurors, 192 |
| cases, |
| duties of, relative to drawing grand and petit jurors, 192 |
| Ship Canal around the Falls of St. Mary, |
| authorized to be constructed, |
| duties of Governor relating thereto, |
| duties of Commissioner of State Land Office,50 |
| duties of Auditor General, (see supplementary act,)86 |
| supplementary act in relation to,86 |
| printing of laws of, authorized, |
| Sibley. Willard, |
| Governor in his discretion authorized to issue patent to, 210, 211 |
| Smelting, |
| corporations for, authorized, |
| Summeral to which of |
| Springfield, township of, |
| draining lake in, authorized, |
| Special Commissioners, |
| duties and powers of, on Mason and Dexter road,46, 47 |
| duties and powers of, on Stut Ste Mary's Canal, |
| duties and powers of, on Clinton road,121 to 123 |
| duties and powers of special commissioner in constructing |
| public offices at Lansing, |
| State Treasurer. |
| duties of, relative to surplus funds, &c., |
| " " |
| authorizd to receive certain moneys from the sale of swamp |
| lands, &c.,116 |
| |

| duty of, relative to State Normal School, |
|---|
| State Board of Equalization, |
| duties of, defined, |
| duties of supervisors, |
| dudes of supervisors, |
| duties of clerks, |
| State auditors, board of, |
| authorized to grant relief to certain persons who have be- |
| come sureties for Tecumseh and Ypsilanti rail road com |
| pany, |
| pany, |
| duty of, relative to refunding money twice paid for certain |
| primary school lands, |
| State board of equalization, |
| act to provide for meeting of, |
| |
| State building lands, |
| preamble and joint resolution relative to, |
| $Stannard's \ rock$, |
| joint resolution relative to survey, &c., of,201 |
| St. Amand, A., |
| auditor general required to settle and adjust certain claims |
| with, |
| Supervisors, |
| Antico of miletime to apportionment of terror by |
| duties of relative to apportionment of taxes, &c., |
| " taking census, &c., 60 to 62 |
| (see taxes, assessment and collection of,) 128 to 168 |
| (see State board of equalization,) |
| Supreme court, |
| joint resolution relative to holding terms of, in Lansing,196 |
| Quentas funda |
| (see State treasurer,)71 and 88 |
| Swamp lands, |
| State Treasurer authorized to receive certain moneys arising |
| State Treasurer authorized to receive certain moneys arising |
| from the sale of,116 commissioner of the State land office authorized to take as- |
| commissioner of the State land office authorized to take as- |
| signment of bounty land warrants, 116 |
| commissioner of State land office authorized to release the in- |
| terest of the State in certain cases, |
| pre-emption rights to, |
| Swain, Isaac N. |
| Auditor General authorized to issue new warrants to202, 203 |
| Addition denotal additional to issue new wallands to 1.1202, 200 |
| Т. |
| M |
| Taxes, |
| assessment and collection of, |
| general provisions relating to,128 to 138 |
| manner of assessing. 138 to 140 |
| collection and return of, |
| sale of lands for, and the conveyance and redemption there- |
| of, |
| |

| rejections and re-assessments of, | 190 |
|--|-------------|
| lands bid off to the State for, redemption and sale of, 158 to | 163 |
| miscellaneous provisions, relating to, | 168 |
| Taxes, specific. | |
| in Upper Peninsula, how paid, | 76 |
| Telegraphic communications, | - • • |
| penalty for divulging, &c, | 110 |
| Temmed A New York O - New A | 114 |
| Tecumseh & Ypsilanti Railroad, | |
| board of State auditors required to grant relief to certain per- | |
| sons connected with, 200, Townships, time for the collection of taxes extended in, | 201 |
| Townships, time for the collection of taxes extended in, | |
| Bridgeport, | _71 |
| Campbell, | 5 |
| Detroit, city of, | 115 |
| Heath, | |
| Lynn,. | 111 |
| Marquette. | 76 |
| Niles, | 40 |
| Danii | -32 |
| Pontiac, | |
| Rollin, | .74 |
| Sebewa, | |
| Traverse, | . 43 |
| Townships organized, | |
| Antrim, | _44 |
| Auchville, | 113 |
| Drummond, | |
| Duncan, | |
| Galilee, | 16 |
| Greenland, | 49 |
| Leelanaw, | 44 |
| Poningula | 40 |
| Peninsula, | -70 |
| Rockland, | . 42 |
| Traverse, | 43 |
| Townships attached for certain purposes, | _ |
| Auchville, | 111 |
| Charlevolx, | 10 |
| Wexford, | 44 |
| Townships, boundaries of extended. | |
| Peaine, | . 16 |
| Townships, names of changed. | |
| Northampton, | 24 |
| Townships restored, | |
| Rives, part of, | 47 |
| Townshim Lauri | |
| Township boards, | 100 |
| certain duties of defined, | . TUU |
| duties of, in taking census, &c., | 5% |
| Township meetings, | |
| special, may be called for the purpose of filling vacancies, | 22 |

INDEX.

| Township treasurer, |
|--|
| (see taxes, assessment and collection of,) |
| Traverse, township of, |
| organized, |
| Transfer, of books, papers, judgments from county to circuit courts, 115, 116 |
| Trees. |
| fruit, shade or ornamental, destruction of, prohibited, 75 |
| penalty for wilful destruction of, |
| Thomas |
| see trees, fruit, shade or ornamental, |
| |
| U. |
| University interest fund, |
| auditor general required to credit certain interest to,85 |
| University fund |
| donation of public lands asked for, |
| v . |
| · • |
| Villages, |
| Battle Creek, |
| Coldwater, |
| Duncan, |
| Hillsdale, 69 to 71 |
| Hudson, |
| Jackson, |
| Mt. Clemens, |
| ₩. |
| Waters, James, |
| relief to, |
| Watchmen, |
| employment of, about the Capitol, |
| Wexford, county of, |
| attached to Grand Traverse county for certain purposes, 44 |
| "Traverse township for township purposes, 44 |
| White Pigeon, township of, |
| re-survey of highways authorized in, |
| Whipple, Almon, |
| relief of, 208 |
| Williams, Gardner D., relief of, |
| Was a supplemental |
| Wolf bounties, |
| Auditor General authorized to settle with the county of Kent |
| for,114 |



